THE

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VOLUME II, 1934

(8th August to 6th September, 1934)

EIGHTH SESSION

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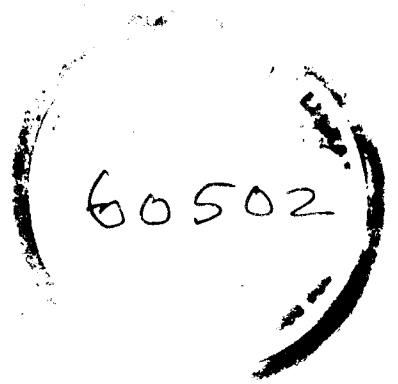
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THE

COUNCIL OF STATE DEBATES.

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

VOLUME II—1934.

COUNCIL OF STATE.

Wednesday, 8th August, 1934.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, being the first day of the Eighth 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 Maneckji Dadabhoy, K.C.I.E., Kt., Bar.-at-Law) was in the Chair.

MEMBERS SWORN:

The Honourable Sir Ghulam Husain Hidayatallah, K.C.S.I. (Bombay: Nominated Non-Official).
The Honourable Mr. Ronald Evelyn Leslie Wingate, C.I.E. (Political Secretary).
The Honourable Mr Chettur Govindan Nair (Government of India: Nominated Official).
The Honourable Mr. Francis William Stewart, C.I.E. (Madras: Nominated Official).
The Honourable Mr. Pundi Chetlur Desika Chari (Burma: General).
The Honourable Mr. Charles Lyall Philip, C.I.E. (Bihar and Orissa: Nominated Official).
The Honourable Srijut Heramba Prosad Barua (Assam: Non-Muhammadan).
The Honourable Pandit Prakash Narain Sapru (United Provinces Southern: Non-Muhammadan).

QUESTIONS AND ANSWERS.

STANDING COMMITTEES APPOINTED SINCE 1931.

1. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state the names of the different standing committees that have been appointed since 1931 consisting of Members of the Indian Legislature and to state the number of meetings held by each committee?

(*b*) Will Government be pleased to state the number of official and non-official Members (nominated and elected separately) attending such meetings?

THE HONOURABLE MR. M. G. HALLETT: I lay on the table a statement showing the information asked for by the Honourable Member.

Statement showing information regarding Standing Committees asked for in question No. 1.

Names of Standing Committees appointed since 1931.	Number of meetings held.	Number of attendance at each meeting.			Remarks.
		Officials.	Non-officials.		
			Nominated.	Elected.	
1	2	3	4	5	6
1. Standing Finance Committee.	38	One at each meeting except one which was not attended by any official.	One at each of five meetings. Two at each of nine meetings. Three at each of twenty-three meetings. Four at one meeting.	Five at each of three meetings. Six at each of three meetings. Seven at each of eleven meetings. Eight at each of thirteen meetings. Nine at each of eight meetings.	
2. Standing Finance Committee for Railways.	27	One at each meeting.	*Nil.*	Four at each of two meetings. Five at each of four meetings. Six at each of two meetings. Seven at each of three meetings. Eight at each of four meetings. Nine at each of seven meetings. Ten at each of three meetings. Eleven at each of two meetings.	
3. Central Advisory Council for Railways.	3	Two at each meeting	*Nil.*	Nineteen at each of two meetings. Eight at one meeting.	
4. Standing Advisory Committee for advising on subjects dealt with in the Department of Industries and Labour other than "Roads" and "Broadcasting."	6	Three at one meeting. Four at each of three meetings. Five at one meeting. Seven at one meeting.	*Nil.*	Two at one meeting. Three at each of two meetings. Four at one meeting. Five at each of two meetings.	The figures in column 3 include the Chairman and the Secretary of the Committee and other officials who were invited to attend.
5. Standing Committee for Roads.	11	Two at each of six meetings. Three at each of five meetings.	*Nil.*	Three at one meeting. Four at one meeting. Five at each of four meetings. Six at each of two meetings. Seven at each of two meetings. Eight at one meeting.	The Chief Commissioner of Railways attended two meetings by invitation.
6. Standing Advisory Committee attached to the Department of Education, Health and Lands.	2	Two at each meeting.	*Nil.*	Three at each meeting.	Excluding two non-members (officials).

Names of Standing Committees appointed since 1931.	Number of meetings held.	Number of attendance at each meeting.			Remarks.
		Officials.	Non-officials.		
			Nominated.	Elected.	
1	2	3	4	5	6
7. Standing Committee on Pilgrimage to Hejaz.	11	Three at each meeting.	*Nil.*	Two at each of two meetings. Four at each of two meetings. Five at each of two meetings. Six at each of three meetings. Seven at each of two meetings.	Non-members are excluded from the preceding column. Their numbers were four officials and two non-officials at one meeting; two officials at another and six officials and three non-officials at a third meeting.
8. Standing Emigration Committee.	7	Two at each of three meetings. Three at each of four meetings.	*Nil.*	Six at each of two meetings. Seven at each of two meetings. Eight at one meeting. Nine at one meeting. Ten at one meeting.	Non-members are excluded. Their numbers were one official each at two meetings; five non-officials at another and three members of a deputation from Malaya at another meeting.
9. Standing Committee for the Department of Commerce.	1	Three (including two non-members).	1	....	....

USE OF TROOPS IN BENGAL.

2. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the object of the tour of some batches of soldiers of the Norfolk Regiment in several villages of Vikrampur in the Dacca district, Bengal?

(*b*) Is it a fact that these British troops are being employed as Assistants to the District Intelligence Branch Officers in their "special work" in villages such as Malkhanagore, Furshail, Baherak, Routhbhog and Dhipur and in other villages of Vikrampur in the Dacca district? If so, will Government be pleased to state what "special work" the British soldiers were and are doing in those villages?

(*c*) Are the Government of Bengal bearing any cost of such tour of the British troops in the villages of Vikrampur in the Dacca district? If so, what is the amount? If not, why not?

(*d*) Will Government be pleased to state the names of the villages of Vikrampur in the Dacca district so far visited by the British troops and whether the tour of the British troops will be further extended and continued?

(*e*) Is it a fact that some officers of the British regiment now stationed at Dacca are given training in I. B. police work? If so, what are their names and whether their pay for such training period is borne by the Government of India? If so, why?

THE HONOURABLE MR. M. G. HALLETT: (*a*), (*c*) and (*d*). As the Honourable Member is aware these areas in Bengal have for some time past been disturbed owing to terrorist activity. The object of the tour of the troops is to assure the people that adequate means exist for the maintenance of public security. The troops have visited most of the important villages of the Munshiganj sub-division and will visit such other areas as may be considered necessary. These movements of the troops are regarded as part of their ordinary duties and do not therefore involve any additional expenditure to the Local Government.

(*b*) and (*e*). The answer to the first parts of both these questions is in the negative. The second parts do not therefore arise.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it a fact that the local executive authorities issued instructions to the various chairmen of the union boards to arrange for tea and sweetmeats to the people of the locality?

THE HONOURABLE THE PRESIDENT: Order, order. That question does not arise out of the answer given by the Honourable Member.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: I was going to ask supplementary question No. 2, Sir.

THE HONOURABLE THE PRESIDENT: So far as I have followed you the question does not arise out of your question which you last put to the Honourable Member. You must give notice of it.

QUALIFICATIONS OF CANDIDATES FOR THE POSTS OF IMPERIAL ENTOMOLOGIST AND IMPERIAL AGRICULTURAL CHEMIST AT THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH, PUSA.

3. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state whether the vacancies in the posts of the Imperial Entomologist and the Imperial Agricultural Chemist for Original Research at the Imperial Agricultural Institute at Pusa have been filled up? If so, will Government be pleased to state the respective qualifications of the candidates who have been selected?

(*b*) Will Government be pleased to state the minimum qualifications that are required for these two posts?

(*c*) Is it a fact that both these posts carry identical responsibilities and require identical research experience in the appropriate branch of science?

(*d*) Is it a fact that the minimum qualification required for the Entomologist's post is an Honours degree in Zoology or its equivalent and that required for the Chemist's post is a Pass degree or its equivalent?

(*e*) Will Government be pleased to state why different minimum qualifications are required for two posts of identical responsibilities?

(*f*) If the two posts have not been filled up, will Government be pleased to state whether any candidate who is already in the Agricultural Research Department but who does not possess even a Pass degree in Chemistry, has applied for the post of Agricultural Chemist at the Imperial Agricultural Institute at Pusa? If so, will Government be pleased to state if his application has been accepted for consideration? If so, why?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) On the recommendation of the Public Service Commission, the Government of India have selected for the post of Imperial Entomologist a Ph. D. of Cambridge and M. Sc. of the Punjab University, and for that of Imperial Agricultural Chemist a Fellow of the Institute of Chemistry, London.

(*b*) and (*d*). I lay on the table an extract from the advertisement issued by the Public Service Commission, which gives the qualifications required for the two posts.

(*c*) Yes.

(*e*) The omission of the word "Honours" in regard to the Chemist's post was due to an oversight.

(*f*) The gentleman who has been selected for the post of Agricultural Chemist is a Fellow of the Institute of Chemistry. A Fellowship of this Institute is a much higher distinction than an Honours degree in Chemistry. One who has obtained an Honours degree can only become even an Associate of the Institute, which is a lower distinction than a Fellowship, either by giving a further examination in Chemistry or by doing approved research work in a Fellow's laboratory.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is the Honourable Member in a position to say the communal composition of the candidates selected to fill up the vacancies of the post of Imperial Entomologist in the Imperial Agricultural Institute in future?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Not without notice.

THE HONOURABLE MR. HOSSAIN IMAM: May we know the names of the two persons who have been appointed?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Not without notice.

Extract from the advertisement issued by the Public Service Commission on the 15th December, 1933.

Applications are invited for the post of Imperial Entomologist and for the post of Imperial Agricultural Chemist at the Imperial Institute of Agricultural Research, Pusa. 1. Candidates must be British subjects or subjects of a State in India. Government servants may apply for either post. 2. Candidates for the post of Entomologist must (*a*) have an Honours degree or its equivalent in Zoology; (*b*) have specialised in Entomology; (*c*) have proved their ability for research on entomological problems; and (*d*) have experience in Applied Entomology. 3. Candidates for the post of Chemist (*a*) have a degree in Chemistry; (*b*) have proved their ability for research on agricultural problems. The following are also desirable: (*c*) experience of tropical and sub-tropical conditions in agriculture; and (*d*) original research on Soil Chemistry.

ADVISORY COMMITTEES FOR INDIAN STUDENTS IN LONDON, EDINBURGH AND DUBLIN.

4. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state whether the London Secretary to the Advisory Committee for the Indian Students in England is paid by the Government of India or by the Imperial Government and what is his salary? What is the name of the Secretary?

(*b*) Are there any such Secretaries in Edinburgh and Dublin? If so, what are their names? (*i*) What are the functions of such Secretaries who have their offices in London and Edinburgh? (*ii*) Are they under the High Commissioner for India or under the Secretary of State for India?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) There is no advisory committee for Indian students in London, where the work of advising Indian students is done by the officers of the Education Department of the High Commissioner's Office.

(*b*) At Edinburgh there is a University Adviser to Indian students. He is appointed by the University, subject to the prior approval of the High Commissioner for India and is under the control of the University. The present incumbent is Dr. J. E. Mackenzie, University Reader in Chemistry. As regards the functions of this Adviser, the attention of the Honourable Member is invited to paragraphs 111-12 of the Report of the High Commissioner's Education Department for the year 1927-28, a copy of which is available in the Library of the House. There is no such officer at Dublin.

HEALTH OF BENGAL STATE PRISONER ARUN CHANDRA GUHA.

5. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that a Bengali detenu named Mr. Arun Guha confined in the local jail is reported to have been suffering from gout of the foot ?

(*b*) Is it a fact that he has applied for removal to Lahore for treatment ?

(*c*) Is it a fact that his request for the supply of a book on Ayurvedic system of medicine has been turned down by jail authorities ?

(*d*) Will Government be pleased to state whether the supply of books on medicines is proscribed and falls within the restrictions in the Jail Code and can be refused by the jail authorities ?

(*e*) Will Government be pleased to state the names of the proscribed books not generally supplied in jails ?

(*f*) Are books on religion, medicine, hygiene and other non-political matters supplied in the jails or are they proscribed ?

(*g*) Will Government render facilities for proper medical treatment inside the jail for the detenu Arun Guha or do Government propose to transfer him to some other place according to his prayer ?

(*h*) Will Government be pleased to state whether the detenu in question is a long-term prisoner under the Bengal Ordinances ? If so, in which class has he been put ?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*g*). The State prisoner suffers from a mild form of gout for which he has been under regular medical treatment. The latest medical report on his health shows that though he has still minor complaints, he has gained five pounds in weight. In view of the recommendations of the medical authorities that a moist and milder climate would be more suitable, he has recently been transferred to Bombay.

(*b*), (*c*) and (*d*). No.

(*e*) Books on Socialism and Communism are not allowed to State prisoners.

(*f*) Books on religion, medicine, hygiene and non-political matters are allowed.

(*h*) Arun Chandra Guha is detained as a State prisoner under Regulation III of 1818 and like other State prisoners has not been classified under the ordinary jail rules.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, would a book like the Right Honourable Mr. Ramsay MacDonald's *Socialism: Critical and Constructive*, be allowed to the prisoners ?

THE HONOURABLE MR. M. G. HALLETT: I am afraid I am unable to give an opinion and should have to read the book before doing so.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is it the contention of the Honourable Member that the Right Honourable the Prime Minister's book is not suitable for detenus ?

THE HONOURABLE MR. M. G. HALLETT: I cannot give an opinion on the book till I have read it.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I hope my Honourable friend will.

IMPORT DUTY REALISED ON FRUITS.

6. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Will Government be pleased to state:

(*a*) Amount of import duty recovered on foreign fruits imported into India during the years 1930-31, 1931-32 and 1932-33 ?

(*b*) Is it a fact that fruits worth two crores of rupees are annually imported into India ?

THE HONOURABLE MR. T. A. STEWART: (*a*) The import duty recovered on foreign fresh fruits (other than cocoanuts) amounted approximately to Rs. 1,59,000 in 1930-31, Rs. 2,14,000 in 1931-32 and Rs. 2,46,000 in 1932-33.

(*b*) No, Sir. The annual imports into India of fresh fruits (other than cocoanuts) were valued at Rs. 9,29,000 in 1931-32, at Rs. 9,85,000 in 1932-33 and at Rs. 8,60,000 in 1933-34.

THE HONOURABLE MR. HOSSAIN IMAM: A supplementary question, Sir. The question does not ask about fresh fruits.

THE HONOURABLE THE PRESIDENT: You ought not to make a speech. You can only put a question.

THE HONOURABLE MR. HOSSAIN IMAM: What is the figure for canned fruits ?

THE HONOURABLE MR. T. A. STEWART: If I may explain to the Honourable Member, Sir ? When I saw the question first, it contained a suggestion that the question was designed in the interests of the horticultural industry in India. I thought therefore that the Honourable Member's question referred to fresh fruits. I take it he will be able to confirm my impression.

GRANTS MADE BY THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH FOR DEVELOPING HORTICULTURE, ETC.

7. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Will Government be pleased to state:

(*a*) The amount sanctioned and spent during the last three years by the Imperial Council of Agricultural Research for developing the horticultural industry in India ?

(*b*) Total acreage under fruit cultivation in India ?

(*c*) Measures undertaken by Government to facilitate the marketing and transport of Indian fruits to foreign countries ?

(*d*) Grants made by the Imperial Council of Agricultural Research to various provinces in India during the last three years ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Amount sanctioned Rs. 5,22,029; amount spent up to date Rs. 52,245.

(*b*) Approximately six million acres. No separate figures are available in regard to fruit.

(*c*) The Imperial Council of Agricultural Research financed the shipments of experimental consignments of mangoes to England by the Bombay Department of Agriculture during the seasons 1932 and 1933. These experiments clearly showed that selected mangoes properly packed and carried in cold storage by fast steamers arrived in England in perfect condition and met with good demand. This Council has also sanctioned a cold storage research scheme at Poona which is designed to solve a group of problems bearing on the commercial storage life of fresh fruit, with special reference to mangoes and oranges. Fruits from Madras, Bombay, the United Provinces and Bihar and Orissa are to be included in this scheme. Work on this scheme has started.

(*d*) Attention is invited to the appendices to the annual reports of the Imperial Council of Agricultural Research for the years 1929-30 to 1932-33, copies of which are available in the Library of the Central Legislature. The report for 1933-34 is under preparation and a copy thereof will be placed in the Library as soon as it is published.

RELEASE OF CIVIL DISOBEDIENCE PRISONERS AND THE RELEASE OF SARDAR VALLABHBHAI PATEL, KHAN ABDUL GAFFAR KHAN AND PANDIT JAWAHARLAL NEHRU.

8. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Will Government be pleased to state:

(*a*) The number of civil disobedience prisoners who are still in jail in the various provinces and who have not been released in accordance with the instructions contained in the recent communiqué of the Government of India?

(*b*) Do Government contemplate to release Sardar Vallabhbhai Patel, Khan Abdul Gaffar Khan of the North-West Frontier Province, Pandit Jawaharlal Nehru and others? If not, why not?

THE HONOURABLE MR. M. G. HALLETT: (*a*) The policy which is being followed by the Government of India in the matter of the release of civil disobedience prisoners is stated in the communiqué issued on the 6th June, 1934. I lay on the table a statement showing the number of such prisoners in jail at the end of July. The total was then 382.

(*b*) Mr. Vallabhbhai Patel has been released Khan Abdul Ghaffar Khan will be released as soon as Government are satisfied that his detention is no longer essential in the public interest. I may add that as stated by the Honourable Sir Harry Haig in the Assembly, even if he is released, the Local Government cannot foresee at present the time when it will be safe to allow him to return to the province. Pandit Jawahralal Nehru was sentenced not for an offence connected with civil disobedience but for three seditious speeches. The question of his release does not therefore arise.

Total number of convicted persons (under ordinary law and Provincial and Central Acts which replaced Ordinance X of 1932) undergoing imprisonment.

Province.	Total.
Madras	11
Bombay	201
Bengal	86*
United Provinces	19
Punjab	14
Bihar and Orissa	5
Central Provinces	..
Assam	3
North-West Frontier Province	43
Delhi	..
Coorg	..
Ajmer-Merwara	..
Total ..	382

* Figures are approximate.

REMOVAL OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

9. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Will Government be pleased to state:

(*a*) Whether there is a proposal to remove the Pusa Imperial Institute of Agricultural Research to a site near Delhi? If so, have Government taken any decision with regard to this proposal?

(*b*) The probable cost of removing the Institute to a site near Delhi?

(*c*) Whether it is a fact that about Rs. 20 lakhs would be required for housing the Institute near Delhi, and that a sum of Rs. 10 lakhs is required for repairing the existing buildings at Pusa?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*), (*b*) and (*c*). I would invite the Honourable Member's attention to the Memorandum submitted to the Standing Finance Committee, which is available in the Library of the Legislature.

RELEASE OF PANDIT JAWAHARLAL NEHRU, KHAN ABDUL GAFFAR KHAN AND SARDAR VALLABHBHAI PATEL.

10. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state reasons why Pandit Jawaharlal Nehru and Khan Abdul Gaffar Khan and Sardar Vallabhbhai Patel have not yet been released ?

(*b*) Do Provincial Governments act on the instructions of the Government of India in the release of these prisoners, or of their own accord ?

(*c*) Does Government propose to release them ? If so, when ?

THE HONOURABLE MR. M. G. HALLETT: I would refer the Honourable Member to the answer just given by me to the Honourable Mr. Vinayak Vithal Kalikar's question No. 8.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government consider the case of Pandit Jawaharlal Nehru in view of the serious illness of his wife which is published in the papers this morning ?

THE HONOURABLE MR. M. G. HALLETT: I have no information about the illness of his wife.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will his case be considered on the information of the serious illness of his wife ?

THE HONOURABLE MR. M. G. HALLETT: I must ask for notice of that question.

NON-REMOVAL OF THE BAN ON THE RED SHIRTS ORGANIZATIONS IN THE NORTH-WEST FRONTIER PROVINCE.

11. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that the ban against the Red Shirt movement has not been removed side by side with the ban on the Congress organizations ?

(*b*) If the answer to part (*a*) is in the affirmative, what are the reasons ?

(*c*) Is it a fact that the Red Shirt movement in the Frontier Province is a part of the Congress movement ?

(*d*) If the answer to part (*c*) is in the negative, what are the differences ?

THE HONOURABLE MR. M. G. HALLETT: (*a*) to (*d*). I would refer the Honourable Member to the Government of India communiqué of the 6th June, 1934, which states the policy that is being carried out. He will see that the ban is not to be removed from proscribed revolutionary organizations distinguishable from the Congress though working in more or less close association with its objects. Government are aware that in its latest stages the Red Shirts organizations were described as a part of the Congress organization but the record of the activities of the Red Shirts organizations shows that they constituted a revolutionary organization on independent and distinctive lines whose object was to drive out the British from India by force.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is it a fact that one of the counts against the Congress in the communiqué issued by the Government fixing responsibility for the civil disobedience movement on the Congress was this that the Red Shirts organizations had during the period of the truce broken the truce ?

THE HONOURABLE THE PRESIDENT: Order, order. I may remind the Honourable Member that supplementary questions are only asked out of replies given by the Honourable Member. The question proposed by the Honourable Member does not directly arise and is a question of which proper notice ought to be given.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: With all respect, Sir, it arises in this way. My Honourable friend Mr. Mehrotra has asked, " Is it a fact that the Red Shirt organization in the North-West Frontier Province is a part of the Congress ? " My question is directed to showing that Government at the time of the truce treated the Red Shirt organization as a part of the Congress organization.

THE HONOURABLE THE PRESIDENT (addressing the Honourable Mr. Hallett): You are not bound to answer the question unless you wish to.

THE HONOURABLE MR. M. G. HALLETT: My answer is that the various statements issued by the Chief Commissioner of the North-West Frontier Province at the end of December, 1931 and at the beginning of January, 1932 dealt with the Red Shirt organization and all its activities during the previous year and explained clearly the reasons which led the Government to take action against it. They in fact give the whole history of the movement during the year.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: My Honourable friend has just stated in reply to my question that on account of certain revolutionary activities, this ban has not been removed. Will my Honourable friend quote some of the activities which are regarded as revolutionary ?

THE HONOURABLE MR. M. G. HALLETT: I ask the Honourable Member to study very carefully the statements which were issued in December, 1931 and January, 1932. Those give the history of the revolutionary activities.

THE HONOURABLE MR. HOSSAIN IMAM: Do we take it, Sir, that there have been no revolutionary activities by the Red Shirt organization since 1932 ?

THE HONOURABLE MR. M. G. HALLETT: No, Sir, because the ban has been in force.

DISSOLUTION OF THE LEGISLATIVE ASSEMBLY.

12. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: When does Government propose to dissolve the Assembly and call for fresh elections ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The position was explained in the message communicated by His Excellency the Governor General to the Legislative Assembly on Monday last. A copy of the message is laid on the table.

Message of His Excellency the Governor General communicated to the Legislative Assembly at its meeting held on the 6th August, 1934.

"Gentlemen of the Assembly,—You are naturally anxious to be informed of the course which will be adopted with a view to the constitution of a new Assembly. There appears to be a general impression that it will rest with Lord Willingdon to dissolve the existing Assembly as a preliminary to the constitution of its successor. This impression is erroneous. The power of extension conferred by clause (*b*) of the proviso to sub-section (1) of section 63D of the Government of India Act having been exercised, the power of dissolution conferred by clause (*a*) of that proviso is not available for the dissolution of the Assembly in the period intervening between the expiration of its normal life and the date to which it has been extended. Consequently the present Assembly will remain in existence until the 31st December, 1934, but with a view to the constitution of the new Assembly in time to admit of the commencement of its first session in January next, resort will be had to the power conferred by the proviso to sub-rule (2) of rule 27 of the Legislative Assembly Electoral Rules which enables the Governor General to issue notifications calling upon constituencies to elect members at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events. In the exercise of this power the Governor General will issue the notifications in question in respect of the constituencies of each province on such date early in October as will accord with the electoral programme contemplated in the province and polls will be taken on dates varying slightly from province to province within the first half of November."

INTRODUCTION OF WEEK-END AND RETURN TICKETS ON RAILWAYS.

13. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state why return and week-end tickets are not introduced on important railways like the Great Indian Peninsula and the Bengal Nagpur Railways as on the East Indian Railway?

THE HONOURABLE SIR GUTHRIE RUSSELL: The question of introducing return tickets on railways is a matter for the consideration of the Administrations concerned, who will, I am sure, be always ready to introduce such concessions, if they are likely to bring additional revenue. I may add that ordinary return and week-end return tickets are issued by the Bengal Nagpur Railway at present.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government bring the matter to the notice of the authorities concerned?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am quite prepared to do that, Sir.

PROPOSED CENTRAL CO-OPERATIVE ADVISORY BOARD.

14. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) With reference to my Resolution on the establishment of an Advisory Council on Co-operation on the 14th March, 1934, and the reply given by Government, will Government be pleased to state whether they have received replies from the Provincial Governments?

(*b*) If the answer to part (*a*) is in the affirmative, will Government be pleased to place them on the table?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) No.

(*b*) Does not arise.

PROPOSED CENTRAL CO-OPERATIVE ADVISORY BOARD.

15. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Has Government invited opinion of the all-India non-official co-operative organizations on my Resolution of the 14th March, 1934?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Yes.

NAMES OF COMPANIES AND AMOUNT FOR WHICH ORDERS WERE PLACED FOR LOCOMOTIVES, ETC.

16. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state the names of companies as well as the amount for which orders were placed with each company for the purchase of the undermentioned materials required for all State-owned Railways from 1925 to 1933?

(*a*) Steam locomotives of all types.

(*b*) Wagons of all types.

(*c*) Passenger coaches of all types.

(*d*) Rails.

(*e*) Fishplates.

(*f*) Bridge materials.

THE HONOURABLE SIR GUTHRIE RUSSELL: 1. The information required in the first part of the question is not available and cannot be procured without an expenditure of time and labour which, in the opinion of the Government of India, would be entirely incommensurate with the value of the results obtained.

2. With regard to the second part of the question, I would inform the Honourable Member that the value of purchases made by individual State-owned Railways each year for steam locomotives, wagons, coaching stock, rails and bridge material is shown in Appendix A to Volume II of the Railway Board's Annual Report on the Working of Indian Railways. Copies of these are in the Library of the House and I would invite the attention of the Honourable Member thereto.

I would add for the Honourable Member's information that, with the exception of the Bombay, Baroda and Central India Railway, metre gauge locomotives which are constructed at Ajmere, locomotives are not built in India. All Indian Railway Standards wagons and coaching underframes, together with the vast majority of the body equipment for the latter, are ordered for manufacture in India by Messrs. Burn and Co., Howrah, Messrs. Jessop and Co., Dum Dum, Messrs. Indian Standard Wagon Co., Burnpur and Messrs. Braithwaite and Co., Calcutta and Mulund. Similarly, railways' requirements of rails and fishplates and sections for bridgework are manufactured by the Tata Iron and Steel Co., and the latter are mostly fabricated in India by firms such as Messrs. Braithwaite and Co., Calcutta and Mulund. Messrs. Jessop and Co., Dum Dum and Messrs. Burn and Co., Howrah.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

17. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Has the attention of Government been drawn to the Zanzibar Indian Association's cablegram published in the *Leader*, dated 27th June, 1934?

(*b*) Is it a fact that the Zanzibar Government propose to pass Bills which would prevent Indians from acquiring lands and deprive them of dealing in the only important local industry, *viz.*, cloves?

(*c*) Will Government be pleased to state what steps have been taken to remove this injustice to the Indians of Zanzibar?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Yes.

(*b*) and (*c*). The Government of India received representations that certain decrees which were before the Zanzibar Legislative Council and which, with one exception, have since been passed, would affect Indians in Zanzibar in the manner suggested in the question. Requests made by the Government of India, first to obtain postponement of the legislation and, subsequently, of the operation of the decrees that have been passed but these have not been successful. The Government of India have deputed Mr. K. P. S. Menon, I.C.S., formerly their Agent in Ceylon, to Zanzibar, in order to investigate locally the effect of these decrees upon Indian interests. On receipt of his report, they will consider what further action, if any, they should take.

RECOMMENDATIONS OF THE POPE COMMITTEE ON RATES AND FARES.

18. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state what steps have been taken on the recommendation of Mr. F. H. Pope in his Report on Indian Railways for an investigation into the present railway rates?

(*b*) Has it been represented to Government by Indian businessmen in the interior of the country that railway rates have been fixed to suit the big ports more than Indian industries? If so, what action has been taken in the matter?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The recommendations of the Pope Committee regarding rates and fares are under consideration.

(*b*) Government are aware that such complaints have been made but do not consider that there is any justifiable ground for them. I would invite my Honourable friend to peruse the remarks of the Acworth Committee in this connection in paragraphs 149-51 of their report. I may add that it is open to any industry aggrieved by the existing rates to ask for the question to be referred to the Rates Advisory Committee for investigation.

REVISED SCALES OF PAY ADOPTED FOR THE SUPERIOR STATE RAILWAY SERVICES, INCLUDING THE POST OF SECRETARY, RAILWAY BOARD.

19. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) With reference to the scale of salaries for new entrants in the Railway Board, published in June, 1934, will Government be pleased to state why no new scale on reduction basis has been fixed for higher posts, such as those of Secretary and Members of the Board?

(*b*) Do Government propose to do so? If so, when?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) and (*b*). The attention of the Honourable Member is invited to Railway Board's Notification No. 807-E.G./1 of 12th October, 1933, which gives the revised scales of pay adopted for the Superior State Railway Services, including the post of Secretary to the Railway Board, which is fixed at Rs. 2,000, instead of Rs. 2,500 to Rs. 2,800, at present. In the same resolution the salary of Agents is fixed at Rs. 3,500, the existing rate. It is not the intention of Government to alter this or the rate of pay now given to Members of the Railway Board, as in the opinion of Government, these officers carry responsibilities fully justifying the existing rates.

SHORTAGE OF ACCOMMODATION AND INCONVENIENCE CAUSED TO SECOND CLASS PASSENGERS BY RAILWAY EMPLOYEES TRAVELLING ON PASSES.

20. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Is it a fact that second class railway passengers are put to great inconvenience by the limited number of berths available for them on account of the fact that they are occupied by railway employees on free passes? If so, what action has been taken in the matter?

THE HONOURABLE SIR GUTHRIE RUSSELL: Government are not aware that second class passengers are generally put to inconvenience because of railway employees travelling on passes. Orders are in force that passholders should give way to paying traffic at starting stations. Complaints of shortage of accommodation on any particular section receive attention from the railway administration concerned.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government issue a circular that preference should be given to passengers over railway employees travelling with free passes in the second class?

THE HONOURABLE SIR GUTHRIE RUSSELL: As I have already explained, those are the orders now in force.

APPOINTMENT OF SECRETARY, MEDICAL COUNCIL OF INDIA.

21. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Has the attention of Government been drawn to the following statement published under Special Simla Correspondence on 24th June, 1934: "The statement published in certain papers that it was at the behest of the British Medical Council or under its pressure or instigation that Mr. Macrae was appointed is held to be wide of the mark"?

(*b*) Will Government be pleased to make a full statement as to how Mr. Macrae was appointed on the medical inspectorate?

(*c*) Was any recommendation made in his favour by the British Medical Council?

(*d*) Will Government be pleased to lay all correspondence between the Government of India and the British Medical Council in this connection on the table of the House?

(*e*) Was any suitable Indian with foreign qualifications not available ?

(*f*) If the answer to part (*e*) is in the affirmative, why was Mr. Macrae given preference ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) Yes.

(*b*) Mr. Macrae was appointed to be an Inspector by the Executive Committee of the Medical Council under sub-section (*1*) of section 16 of the Indian Medical Council Act, 1933.

(*c*) No.

(*d*) There has been no such correspondence.

(*e*) and (*f*). For the post of Secretary, Government selected Mr. Macrae from among several candidates as being the most suitable.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Is it a fact that the proposal for the appointment of Mr. Macrae was turned down by the Medical Council in the first meeting and at a subsequent meeting the decision being revised he was appointed ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Mr. Macrae was appointed Secretary of the Medical Council by the Government of India who under the Statute have the authority to appoint him. Therefore the question of the Medical Council appears to come into the Honourable Member's supplementary question under some misapprehension or other.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Was the Medical Council asked to appoint him as one of the Inspectors in the first meeting and was that proposal turned down ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Asked by whom ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Asked by the Government or placed on the agenda ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Government never asks the Medical Council to do anything.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Was the matter placed on the agenda for discussion ?

THE HONOURABLE THE PRESIDENT : I think the Honourable Member in charge has most explicitly answered your question. Will you please proceed with your next question ?

INCLUSION OF AGRICULTURAL CO-OPERATION IN THE SUBJECTS DISCUSSED AT THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

22. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (*a*) Will Government be pleased to state if Agricultural Co-operation is included in the subjects discussed at the Imperial Council of Agricultural Research ?

(*b*) If the answer to part (*a*) is in the affirmative, what subjects, if any, have been discussed since it was established ?

(*c*) Will Government be pleased to state whether any person representing co-operative interests have specially been nominated on the Imperial Council of Agricultural Research ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) Yes, to some extent.

(*b*) The Co operative Marketing of Agricultural Produce.

(*c*) Yes : two, *viz.*,

Dewan Bahadur T. Raghaviah and

Mr. G. K. Devadhar.

SUGAR EXCISE DUTY REALISED FROM SUGAR FACTORIES.

23. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (*a*) Will Government be pleased to state the amount of sugar excise duty realised as well as accrued during the last three months—April, May and June—from the sugar factories ?

(*b*) What amount is accrued during these months from factories working on co-operative lines—both vacuum and open pan systems ?

THE HONOURABLE SIR ALAN PARSONS : I am having the information collected and will place it on the table as soon as possible.

SYSTEM OF CONTRACTS WITH VENDORS ON CERTAIN SECTIONS OF THE EAST INDIAN RAILWAY.

24. THE HONOURABLE MR. HOSSAIN IMAM : (*i*) Will Government state whether the system of vending contract has been changed in the Gaya, Moghal Sarai and Patna areas ? If so what was the former arrangement and what is the present arrangement ?

(*ii*) What was the income from vending contract in the last three years ? What is the term of the new contractors ?

(*iii*) Is it a fact that the Central Advisory Committee of the Railway recommended on 16th November, 1933 that contract should be given to local men ?

(*iv*) Will Government state their decision in the matter ?

REASONS FOR THE CONDEMNATION OF FORMER CONTRACTORS ON CERTAIN SECTIONS OF THE EAST INDIAN RAILWAY.

25. THE HONOURABLE MR. HOSSAIN IMAM : (*i*) On what ground the old contractors for the areas referred to in the previous question were condemned ?

(*ii*) Were they asked to apply for the contract ?

(*iii*) Is it a fact that almost all of them were doing this business from 10 to 30 years more or less ?

(*iv*) How was it discovered that none of them had sufficient capital, experience, efficiency and controlling power ?

GRANTS MADE BY THE EAST INDIAN RAILWAY FOR THE IMPROVEMENT OF STALLS ON CERTAIN SECTIONS.

26. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that the Railway Administration has sanctioned Rs. 3,000 for Gaya and Rs. 4,000 for Moghal Sarai for the improvement of and giving good appearance to the stalls and for similar improvements for Kiul and Sone East Bank?

(*b*) Is it a fact that the application of the old vendor of Sone East Bank for the construction of a tea shed at the cost of the Railway was rejected and that he spent Rs. 400 out of his own pocket to have a tea shed constructed under the supervision of the Inspector of Public Works?

(*c*) Is it a fact that that vendor has been ejected from that stall?

ATTENDANCE OF CONTRACTORS AT STALLS.

27. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that the present contractors are not required to remain in attendance at the stalls or on platforms? Were the old contractors in case of absence severely dealt with?

(*b*) Is there any restriction for the number of hawkers of the present contractors? If not, why not? Are the hawkers medically examined before their engagement?

ACTION TAKEN BY DIVISIONAL SUPERINTENDENT, DINAPORE, ON COMPLAINTS MADE AGAINST HAWKERS.

28. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that in the Dinapore division complaints against the inferior quality and high price of the food and incivility of the hawkers have been sent to the Agent asking him to make an independent enquiry? Is it a fact that these letters are sent to the Divisional Superintendent, Dinapore, for disposal? Has the Divisional Superintendent taken any action on them and, if so, what?

EMPLOYMENT OF SUB-CONTRACTORS BY CONTRACTORS UNDER ORDERS OF THE DIVISIONAL SUPERINTENDENT, DINAPORE.

29. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that the Divisional Superintendent, Dinapore, has directed the present contractors to employ sub-contractors in the service?

RATES FIXED FOR NEW VENDORS.

30. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that the rates of the articles sold at the railway station by the present contractors are not the same as those prevailing in the market? Will Government lay on the table a statement showing the rates fixed for the new vendor?

SUSPECTED CASES OF CHOLERA IN THE HINDU REFRESHMENT ROOM, GAYA.

31. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that Mohammed Osman, Vakil of Maroofganj, Gaya, and several other gentlemen near Gaya railway station reported to Dr. Sanyal, member of the Advisory Board of the East Indian Railway, Calcutta, that on the 11th May last two men of the Hindu refreshment room at Gaya were attacked with cholera or suspected to be attacked with cholera and that one of them was sent to the Cholera Hospital and died there?

(*b*) Is it a fact that the District Medical Officer, Gaya, reported to the Chief Medical Officer that no man died, but on an enquiry held at Gaya, the Chief Medical Officer came to know that the man actually died?

(*c*) Is it a fact that the complainants were not called at the enquiry? Will Government state why it was so? Is it a fact that the infected foodstuff which was suspected to have caused a cholera case was not destroyed and that the stall was not disinfected?

BALLAV DASS ISWAR DASS, CONTRACTOR.

32. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that vending contracts for Burdwan to Jamalpur and Sahebganj loop line areas have been given to Ballav Dass Iswar Dass? Why has the same party been given the contract for Gaya and Moghal Serai areas? Is it a fact that the former areas were given when Mr. Mariott was in the Howrah division and the latter also in the time of the same officer? Was any application called for? If not, why not?

(*b*) Is it a fact that 15 days before the appointment of Ballav Dass three candidates for contract offered larger deposits and revenue, and were advised that no such arrangement was made? What are the rejected and accepted offers for the two areas?

THE HONOURABLE SIR GUTHRIE RUSSELL: With your permission, Sir, I propose to reply to questions Nos. 24 to 32 together. I am obtaining from the Agent, East Indian Railway, necessary information for answering these questions and shall lay replies on the table in due course.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have to convey to you a message from His Excellency the Governor General. The message runs as follows:

PANEL OF CHAIRMEN.

"*In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, George Stanley, 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 Mr. Ernest Miller; in the second place, the Honourable Rai Bahadur Lala Ram Saran Das; in the third place, the Honourable Mr. Bijay Kumar Basu; and lastly, the Honourable Major Nawab Sir Mahomed Akbar Khan.

Simla,
The 27th July, 1934.

(*Sd.*) *GEORGE STANLEY,*
Viceroy and Acting 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 Raja Charanjit Singh and as members, the Honourable Khan Bahadur Syed Abdul Hafeez, the Honourable Sir David Devadoss, the Honourable Mr. Satyendra Chandra Ghosh Maulik and the Honourable Rai Bahadur Lala Jagdish Prasad.

CONGRATULATIONS TO HIS EXCELLENCY THE COMMANDER-IN-CHIEF, THE HONOURABLE MR. M. G. HALLETT AND THE HONOURABLE SIR JOHN WOODHEAD, RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is now my privilege to offer on behalf of the Council our congratulations to Honourable Members who have been the recipients of honours in the last Birthday Gazette. The foremost name is that of our respected colleague, Field Marshal Sir Philip Chetwode. He has been elevated to the Knight Grand Commandership of the Most Exalted Order of the Star of India. I feel certain that all of you must have noticed with great pleasure the recognition of the remarkable services of His Excellency the Commander-in-Chief. Sir Philip Chetwode joined the Council early in January, 1931 and with the exception of three months when he was on leave he has been amongst us. I would like to refer to his remarkable achievements and I would remind you of the great retrenchment in military expenditure which has taken place during his regime. You are probably aware that the Inchcape Committee, which was presided over by Lord Inchcape, recommended that in time the military expenditure of India should be brought down to Rs. 50 crores annually. At that time and subsequently a great deal of protest was registered by various Members speaking on budget debates both in this Council and in the Assembly and it was then pointed out that at an early date at least the figure recommended by the Inchcape Committee should be achieved, if not a much lesser figure. As you are aware, the various Commanders-in-Chief, the two predecessors of His Excellency Sir Philip Chetwode, freely and frankly stated in this Council as well as elsewhere that the military expenditure of the country could not be reduced to Rs. 50 crores and it remained for His Excellency Sir Philip Chetwode to make a remarkable reduction in the military expenditure of the country. I may tell you that in 1930-31 when he joined us the actuals of military expenditure were Rs. 54 crores and 30 lakhs and in the last budget, the budget for 1933-34, the military expenditure was reduced to Rs. 44½ crores; a reduction of Rs. 9 crores and 8 lakhs has been effected during the military administration of Sir Philip Chetwode, and you would all agree with me that it is a remarkable achievement, and a splendid performance. For this act alone, if for nothing else he is entitled to our country's gratitude. Sir Philip Chetwode is not only a distinguished soldier, but a statesman, a financier and a man of the world. We have heard with great interest his outspoken speeches in this Council and he has always laid on the table all his cards without any equivocation or hesitation. I would therefore wish to put on record the appreciation of this Council and I shall also convey to him the congratulations of this Council and the immense pleasure it has given to all Members to see the high distinction showered on their Commander-in-Chief. (Applause.)

I wish next to refer to our Honourable colleague, Mr. Hallett. He has received his C. S. I. in the last Honours List. (Applause.) Mr. Hallett is a distinguished and brilliant member of the Indian Civil Service and he was originally appointed as a Special Officer on duty in the Home Department and later on assumed in July, 1932 the office of Home Secretary. He is an officer of long standing and during the short time that he has been in this Council he has proved his ability and shown what deep interest he takes in the welfare of

this country. I offer on behalf of you all our congratulations to Mr. Hallett (Applause) on this honour which is only a precursor of many higher honours to follow. (Applause.)

THE HONOURABLE MR. M. G. HALLETT: Sir, I am very grateful to you and to the Honourable Members of this Council for the congratulations they have offered me.

THE HONOURABLE THE PRESIDENT: Before I sit down, I would like to refer to one other name, and that is of Sir John Ackroyd Woodhead (Applause), the Governor-designate of Bengal, who has also just received the high honour of a Knight Commander of the Star of India. Sir John Ackroyd Woodhead was a Member of this Council from 1928 to 1931 for three broken periods and during his membership of this Council we found in him a man of great capacity, sincerity, energy and above all a man so unassuming in his temperament and so gracious and kindly in his manners, deportment and his treatment to the Members of this Council. He has now been appointed to officiate as Governor of Bengal. He was also for a short time a temporary Member of the Executive Council of His Excellency the Governor General and during that time too we heard a great deal of his work and his masterly energy. I feel certain, Honourable Members would like me to convey to Sir John Woodhead the hearty congratulations of this Council on his double honour. (Applause.)

STATEMENTS LAID ON THE TABLE.

QUALITY AND CLASS OF TIMBER PURCHASED BY THE ARMY DEPARTMENT.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways): Sir, I lay on the table the information promised in reply to parts (*b*), (*c*), (*d*) and (*g*) of question No. 140 asked by the Honourable Rai Bahadur Lala Jagdish Prasad on the 20th April, 1934.

(*b*) and (*d*). Particulars of timber purchased by the Army during 1933-34 are given below:

Class of timber.	Quantity in cubic feet.	Remarks.
Chir	34,464	
Deodar	101,060	In addition 559 sleepers.
Haldu	9,325	
Kail	10,082	
Kanju	13,851	
Pine	180	
Sal	20,700	
Sissoo (Shesham)	35,879	
Teak	31,031	
Miscellaneous	10,338	In addition 3,204 ballies.

The Royal Indian Marine purchased during the year, 128 tons of Oregon pine. Government are unable to furnish the information asked for as regards rates.

(*c*) So far as the Army Department is concerned the reply is in the negative. Rates in that Department are generally obtained by competitive tender.

(*g*) Yes, the lists of approved contractors are also maintained by the Army Department.

CONVENTION *re.* COMMERCIAL RELATIONS BETWEEN INDIA AND JAPAN.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I lay on the table a Convention regarding the commercial relations between India and Japan.

Convention and Protocol regarding the Commercial relations between India and Japan.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, desiring to facilitate trade and commerce between India and Japan, have decided to conclude a Convention for this purpose and have accordingly appointed as their Plenipotentiaries :—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For India :

The Rt. Hon'ble Sir John Allsebrook Simon, G.C.S.I., K.C.V.O., M.P., His Principal Secretary of State for Foreign Affairs ;

The Rt. Hon'ble Sir Samuel John Gurney Hoare, Bt., G.C.S.I., G.B.E., C.M.G., M.P., His Secretary of State for India ;

His Majesty the Emperor of Japan :

His Excellency Mr. Tsuneo Matsudaira, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of St. James ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :—

ARTICLE 1.

The territories to which the present Convention applies are, on the part of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, British India, together with States in India which, by treaty with His Majesty the King or otherwise, may be entitled to be placed with regard to the stipulations of the present Convention on the same footing as British India (such territories being hereinafter referred to as India) ; and on the part of His Majesty the Emperor of Japan, all the territories and possessions belonging to or administered by His Majesty the Emperor (such territories being hereinafter referred to as Japan).

ARTICLE 2.

Articles produced or manufactured in the territories of one of the High Contracting Parties, on importation into the territories of the other, from whatever place arriving, shall not be subjected to duties or charges other or higher than those imposed on like articles produced or manufactured in any other foreign country.

ARTICLE 3.

Notwithstanding anything contained in the present Convention, the Government of India shall have the right of imposing or modifying from time to time special customs duties on the importation into India of articles produced or manufactured in Japan, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of India may consider to be necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee subsequent to the 31st day of December, 1933 ; provided that no modification in any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of Japan to modify such special customs duties, the Government of India shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in Japan, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee on the duty-paid value of articles produced or manufactured in Japan and imported into India.

Reciprocally, the Government of Japan shall have the right of imposing or modifying from time to time special customs duties on the importation into Japan of articles produced or manufactured in India, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of Japan may consider to be necessary to correct the effects of any variation of the exchange value of the rupee relative to the yen ; provided that such right shall not accrue to the Government of Japan so long as the exchange value of the rupee relative to the yen is not below the value of 0·732 yen, and that no modification of any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of India to modify such special customs duties, the Government of Japan shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in India, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the rupee below 0·732 yen on the duty-paid value of articles produced or manufactured in India and imported into Japan.

ARTICLE 4.

While reserving to the Government of India and to the Government of Japan the right to make such changes in their customs tariffs as may be necessary for the protection of their own interests, the High Contracting Parties agree that when any modification of its customs tariffs by either country results in the trade interests of the other being adversely affected in any appreciable measure, the Governments of the two countries shall, upon the request of the Government of the country adversely affected, forthwith enter into negotiations with the object of reconciling as far as possible the interests of the two countries.

ARTICLE 5.

The present Convention shall be ratified. The instruments of ratification shall be exchanged in London as soon as possible. The date on which the instrument of ratification of each the High Contracting Parties has been completed will be communicated to the other through diplomatic channels, and the present Convention shall enter into force, in advance of the exchange of the instruments of ratification, as from the date on which the later of the two communications required under the present Article shall have been made.

ARTICLE 6.

The present Convention shall remain in force until the 31st day of March, 1937.

In case neither of the High Contracting Parties shall have given notice to the other six months before the said date of his intention to terminate the Convention, it shall continue operative until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice of termination to the other.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S. John Simon.

L. S. Samuel Hoare.

For Japan

L. S. T. Matsudaira.

M4 CS

PROTOCOL.

At the moment of proceeding this day to the signature of the Convention regarding the Commercial Relations between India and Japan, the undersigned Plenipotentiaries, being duly authorized to that effect, have agreed as follows regarding the importation of Japanese cotton piece-goods into India :—

ARTICLE 1.

For the purposes of the present Protocol :—

the expression " cotton year " means a year beginning on the 1st day of January ;

the expression " cotton piece-goods year " means a year beginning on the 1st day of April ;

a cotton piece-goods year and the cotton year in which that cotton piece-goods year begins are referred to as " corresponding " ; and

the expression " yard " means a linear yard.

ARTICLE 2.

The customs duties to be imposed on importation into India of cotton piece-goods manufactured in Japan shall not exceed the following rates :—

(*a*) plain greys—50 per centum *ad valorem* or 5¼ annas per pound, whichever is higher ;

(*b*) others—50 per centum *ad valorem*.

If hereafter the Government of India should decide to impose a specific duty on cotton piece-goods other than plain greys, it will not impose on such piece-goods, being the manufacture of Japan, a specific duty exceeding 5¼ annas per pound.

ARTICLE 3.

(1) If in any cotton year 1 million bales of raw cotton are exported from India to Japan, the quantity of cotton piece-goods which may be exported from Japan to India in the corresponding cotton piece-goods year shall be a basic allotment of 325 million yards.

(2) If the exports of raw cotton from India to Japan in any cotton year are less than 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment diminished by 2 million yards for every 10,000 bales of the deficit or for any residual quantity thereof exceeding 5,000 bales.

(3) If the exports of raw cotton from India to Japan in any cotton year exceed 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment increased by 1½ million yards for every 10,000 bales of the excess or for any residual quantity thereof exceeding 5,000 bales ;

Provided that the allotment of cotton piece-goods shall not in any case exceed 400 million yards for any cotton piece-goods year.

(4) If the exports of raw cotton from India to Japan in any cotton year exceed 1½ million bales, the excess shall be added to the quantity of raw cotton exported from India to Japan in the following cotton year for the purpose of determining the allotment of cotton piece-goods for the cotton piece-goods year corresponding to such following cotton year.

(5) For the purposes of the calculations under the present Article and under Articles 4, 5, 6 and 7, any raw cotton or cotton piece-goods which have been imported and then re-exported shall be excluded.

ARTICLE 4.

(1) The allotment of cotton piece-goods which may be exported from Japan to India during the first half of any cotton piece-goods year shall be 200 million yards ;

Provided that, if in the first half of any cotton piece-goods year the exports of cotton piece-goods from Japan to India exceed the allotment for the whole of that cotton piece-goods year, the allotment for the first half of the following cotton piece-goods year shall be 200 million yards less such excess.

(2) The allotment of cotton piece-goods which may be exported from Japan to India during the second half of any cotton piece-goods year shall be the annual allotment for that year less 200 million yards ;

Provided that, if the quantity exported from Japan to India in the first half of any cotton piece-goods year is less than 200 million yards, as increased or diminished under Article 5, the allotment for the second half of that cotton piece-goods year shall include the quantity of the deficit up to a quantity not exceeding 20 million yards.

ARTICLE 5.

Notwithstanding anything hereinbefore contained,

(*a*) If less than the allotment for any cotton piece-goods year is exported from Japan to India in that year, the quantity of the deficit up to a quantity not exceeding 20 million yards may be exported in the first half of the following cotton piece-goods year in addition to the allotment for that half-year and

(*b*) A quantity not exceeding 20 million yards of cotton piece-goods may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, in addition to the allotment for that year ; but such excess shall be deducted from the allotment for the first half of the following cotton piece-goods year.

ARTICLE 6.

If the present Protocol should come into effect at any time other than the beginning of a cotton piece-goods year, the first cotton year shall, for the purposes of the Protocol, be deemed to begin on the 1st day of January, 1934, and the first cotton piece-goods year on the 1st day of April, 1934.

ARTICLE 7.

(1) For the purposes of the present Protocol cotton piece-goods shall be divided into the four categories of :—

(*a*) Plain greys,

(*b*) Bordered greys,

(*c*) Bleached (white) goods, and

(*d*) Coloured (printed, dyed or woven) goods ;

and the allotment for any cotton piece-goods year shall be divided into sub-allotments among these four categories, consisting of portions of the allotment as follows :—

Plain greys	45 per centum,
Bordered greys	13 per centum,
Bleached (white) goods	8 per centum,
Coloured (printed, dyed or woven) goods	34 per centum,

and, save as provided in paragraph (2), the export of cotton piece-goods in each category in any cotton piece-goods year shall be restricted to the said portions.

(2) Transfers may be made from one sub-allotment to another, subject to the following conditions :—

(*a*) The allotment for any cotton piece-goods year shall not thereby be increased ;

(*b*) The amount transferred from a sub-allotment for bordered greys or from a sub-allotment for bleached (white) goods shall not exceed 20 per centum of the amount of such sub-allotment, and the amount transferred from any other sub-allotment shall not exceed 10 per centum of the amount of such sub-allotment ; and

(*c*) A sub-allotment for bordered greys or a sub-allotment for bleached (white) goods shall not be increased by more than 20 per centum of the amount of such sub-allotment, and any other sub-allotment shall not be increased by more than 10 per centum of the amount of such sub-allotment.

(3) The principles of the present Article shall apply also to quantities of cotton piece-goods exported from Japan to India under Article 5 in excess of the yearly allotments, as if such quantities were yearly allotments.

ARTICLE 8.

Nothing contained in the present Protocol shall be deemed to affect the rights of either High Contracting Party under Article 2 or Article 3 of the Convention regarding the Commercial Relations between India and Japan of this day's date.

ARTICLE 9.

The present Protocol shall come into force simultaneously with the Convention regarding the Commercial Relations between India and Japan of this day's date and shall remain in force until the 31st day of March, 1937.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S. John Simon.

L. S. Samuel Hoare.

For Japan :

L. S. T. Matsudaira.

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, 1934, namely :

The Indian Tariff (Amendment) Act, 1934.

The Reserve Bank of India Act, 1934.

The Imperial Bank of India (Amendment) Act, 1934.

The Wheat Import Duty (Extending) Act, 1934.

The Indian Medical Council (Amendment) Act, 1934.

The Cotton Textile Industry Protection (Amendment) Act, 1934.

The Steel and Wire Industries Protection (Extending) Act, 1934.

The Khaddar (Name Protection) Act, 1934.

The Indian Finance Act, 1934.

The Salt Additional Import Duty (Extending) Act, 1934.

The Indian States (Protection) Act, 1934.

The Indian Tariff (Textile Protection) Amendment Act, 1934.

The Trade Disputes (Extending) Act, 1934.

The Sugar (Excise Duty) Act, 1934.

The Sugar-cane Act, 1934.

The Matches (Excise Duty) Act, 1934.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following Message has been received from the Secretary of the Legislative Assembly, namely :

"I am directed to inform you that the Legislative Assembly has, at its meeting held on the 30th July, 1934, agreed without any amendments to the following Bills which were passed by the Council of State at its meetings held on the 20th February, 1933 and the 12th April, 1934, namely :

A Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose ; and

A Bill further to amend the Indian Trusts Act, 1882, for a certain purpose."

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 19th and 30th July and the 6th and 7th August, 1934, namely :

A Bill to consolidate and amend the law regulating labour in factories.

A Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships ;

A Bill to amend certain enactments and to repeal certain other enactments ;

A Bill further to amend the Sea Customs Act, 1878, for a certain purpose ;

A Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932 ;

A Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by Air ;

A Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of Aircraft ; and

A Bill to provide for the imposition and collection of an excise duty on mechanical Lighters.

MOTION *RE* NOMINATIONS FOR THE COMMITTEE TO INQUIRE INTO THE WORKING OF THE OTTAWA AGREEMENT.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I move:

"That in pursuance of the Resolution adopted by this Council on the 20th March, 1933, on the subject of the Trade Agreement concluded at Ottawa between the Government of India and His Majesty's Government in the United Kingdom, this Council do proceed to the election, in such manner as may be approved by the Honourable the President, of a Committee of the Council consisting of nine Members with a non-official majority."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations for the Committee to inquire into the working, etc., of the Ottawa Agreement will be received by the Secretary up to five o'clock on Thursday, the 9th August, 1934. The election, if necessary, will take place on Monday, the 13th August by the method of the single transferable vote.

DEATH OF KHAN BAHADUR SIR MUHAMMAD ISRAR HASAN KHAN.

THE HONOURABLE THE PRESIDENT: Honourable Members, before we disperse today and conclude our labours, I wish to refer to the demise of one of our colleagues, the late Khan Bahadur Sir Muhammad Israr Hasan Khan.

The late Khan Bahadur Sir Muhammad Israr Hasan Khan was a descendant of a very respectable and loyal family of Shahjehanpur. He was first appointed as a tehsildar in the United Provinces and afterwards promoted first class Magistrate and Deputy Collector and retired in 1929, after 27 years' service, as Minister, Bhopal and Khairpur States. He was honoured with the C. I. E. in 1912 and was created a Knight in 1921. He was a nominated Member of the Third Council of State for the period 2nd October, 1931 to 13th February, 1934 and he resigned his seat on the Council of State in 1934 owing to ill-health.

I know you would like me to put on record our expression of sorrow at his death.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, as Honourable Members are aware tomorrow the 9th August and Wednesday the 15th August are days allotted for non-official business. There is no official business for the 10th, and it does not seem necessary to meet on Saturday the 11th instant. The Council will therefore meet on Monday the 13th August for the transaction of official business when the Bills which have been laid on the table today, along with any other Bills which may be laid on the table tomorrow, will be taken up; I also suggest that any business entered in the List of Business for Monday which is not finished on that day may be continued on Tuesday the 14th August, and if necessary Thursday the 16th August.

The Council then adjourned till Eleven of the Clock on Thursday, the 9th August, 1934.

COUNCIL OF STATE.

Thursday, 9th August, 1934.

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 Lieutenant-Colonel Arthur Friedrich Rawson Lumby, C.I.E., O.B.E. (Army Secretary).

The Honourable Mr. S. D. Gladstone (Bengal Chamber of Commerce).

QUESTIONS AND ANSWERS.

RAISING OF EXTRA BATTALIONS FOR THE INDIAN ARMY IN BENGAL.

33. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Did the Bengal Legislative Council adopt unanimously a Resolution for the raising of battalions in Bengal? If so, have Government received an official report from the Bengal Government on the subject?

(*b*) Will Government be pleased to state whether they contemplate to raise such a battalion? If not, why not?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*a*) The answer to both questions is in the affirmative.

(*b*) No. It is not proposed to raise any extra battalions of the Indian Army at present.

DEARTH OF RECRUITS FOR THE TERRITORIAL FORCE AND UNIVERSITY TRAINING CORPS IN BENGAL.

34. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is the want of recruits for the territorial forces in Bengal and for the University Training Corps due to the fact that recruits to such forces are paid the pay of sepoys and is it a fact that educated upper classes feel it beneath their dignity to be recruited and paid the pay of sepoys or in other words the pay of the durwans employed by them in the homes of such upper class educated people?

(*b*) Do Government propose to pay the recruits for the University Training Corps the same pay as is paid to the recruits of the Auxiliary Force? If not, why not?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*a*) The Honourable Member is certainly mistaken in the case of the University Training Corps; for its members receive no personal pay or allowances and hold British ranks. One of the main objects of the Indian Territorial Force (which includes the University Training Corps) is to meet the aspirations of Indians

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who wish to familiarise themselves with military training and service, and Government are always being pressed to raise new units of the University Training Corps to cater for the large numbers of educated young men who are said to be eagerly awaiting an opportunity to do so. It is difficult to reconcile with this eagerness the feelings attributed by the Honourable Member to the educated upper classes. There is certainly nothing degrading in a man preparing himself to play even the most humble part in the defence of his country.

(*b*) No. Members of the Auxiliary Force have a liability for military service; those of the University Training Corps have none.

COST OF THE MILITARY FORCES IN CHITTAGONG.

35. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the up-to-date total cost of the posting of military forces and of the construction of the temporary military barracks in the district of Chittagong for the purpose of tracking down the terrorists and suppressing their movement?

(*b*) Will Government be pleased to state whether such costs are borne by Central Revenues? If so, why?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*a*) The attention of the Honourable Member is invited to the answer given on the 28th March, 1934 to question No. 95. I have nothing to add to it at present.

(*b*) During the first half of the financial year 1932-33, the Government of Bengal met a considerable portion of the extra expenditure on the Chittagong garrison. Since the 15th December, 1932, however, the garrison has been treated as an integral part of the augmented garrison of Bengal, and its cost is met almost entirely from Central Revenues, the Government of Bengal being responsible only for certain charges of a local nature, *e.g.*, water connections, compensation for interference with grazing and other rights, acquisition and occupation of land, etc.

REORGANISATION OF THE CANTONMENTS DEPARTMENT.

36. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Have Government under contemplation any scheme for the reorganisation of the Cantonments Department?

(*b*) If so, how long is it expected to take before the department starts functioning under the new scheme?

(*c*) Is there any age limit prescribed for appointment of Executive Officers, Class 2, under the present rules of recruitment to this service?

(*d*) Have Government stopped recruitment for the post of Executive Officers, Class 2, pending reorganisation of the department?

(*e*) Do Government intend to so frame rules that the officers who are now eligible for appointment are not debarred from entering this service due to age limit when recruitment under the new scheme opens?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*a*), (*b*) and (*e*). A scheme for the reorganisation of the Cantonments Department is under consideration, but it is as yet impossible to say when it will be introduced.

(*c*) The age limit is 35 years.

(*d*) No, Sir. Officers are recruited as and when vacancies occur. One officer was appointed Executive Officer, Class II, as recently as May, 1934, and another has recently been placed under training and will be appointed in January, 1935.

MASTER GENERAL OF THE ORDNANCE IN INDIA.

37. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that the Master General of the Ordnance, Army Headquarters, has no mobilization policy of his own, the ordnance policy being entirely dependent on the policy of the General Staff? Does this mean that the duties of the Ordnance Department are confined to those of a routine character, both in peace and war?

(*b*) Is it a fact that in war, as in peace, the Master General of the Ordnance, unlike his other colleagues at Army Headquarters, is not represented in the field?

(*c*) Is it a fact that the function of the Master General of the Ordnance in war is restricted to the production of munitions at the dictation of the General Staff?

(*d*) Will Government please state the number of officers who were employed on Ordnance work in the office of the late Indian Munitions Board, and of those that now find occupation in the Master General of the Ordnance Branch, Army Headquarters?

(*e*) Is it a fact that the President of the late Indian Munitions Board did not require, for the efficient performance of his duties, such staff to assist him as a D. M. G. O., A. D. T. O., and a host of technical military clerks who are now engaged in the Master General of the Ordnance Branch, on work of doubtful importance?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*a*) For military reasons all supplying departments must be bound by the policy of the General Staff. Subject to that policy, it is the duty of the Master General of the Ordnance in India to estimate expenditure and hold stocks in peace to cover the initial supplies to troops, and to ensure a smooth flow of production, in war.

This work is by no means of a routine character but is of a highly technical nature.

(*b*) The Master General of the Ordnance is represented in the field, as well as in peace, by Ordnance officers on the staffs of the various higher formations.

(*c*) No. The Master General of the Ordnance is also responsible for the stocking and administration of Ordnance depots in the field and for the design of munitions to meet the General Staff requirements.

(*d*) From such records as are readily available, it has been ascertained that 41 civil and military officers were employed on Ordnance work in the late Indian Munitions Board at Simla though this number may have varied slightly at different periods. In addition about 25 military officers under Army Headquarters were performing duties connected with Ordnance in

various Branches. This gives a total of 66 exclusive of the officers of the Board who were posted in the chief commercial centres.

At present 31 officers are employed on this work in the Master General of the Ordnance Branch.

(*c*) No, Sir. On the contrary technical experts, several of them of very senior rank, were transferred from the Army to the Indian Munitions Board for the administration of Ordnance factories and in advisory capacities.

EXCLUSION OF INDIAN CHEMISTS FROM EMPLOYMENT IN THE CHEMICAL DEFENCE RESEARCH DEPARTMENT, RAWALPINDI.

38. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government please state why Indian chemists are excluded from employment in the chemical defence research department at Rawalpindi ?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: The Honourable Member is under a misapprehension. One Indian Chemical Assistant is employed in the Research Establishment.

SCHEME OF APPRENTICE TRAINING IN ORDNANCE AND CLOTHING FACTORIES.

39. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government please state:

(*i*) The year when the apprentice training scheme in Ordnance factory establishments was brought into force ?

(*ii*) The number of assistant foremen and foremen so far produced therefrom ?

(*iii*) The number of those who found employment in Ordnance factories ? and

(*iv*) The number of assistant foremen and foremen who have, since the inauguration of the apprentice scheme, been recruited from overseas for employment in Indian Ordnance factories ?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*i*) A regular scheme of apprentice training in the Ordnance and Clothing factories was authorised by the Government of India for the first time in the year 1924, though local minor and un-coordinated schemes were in existence in several Ordnance factories prior to that date.

(*ii*) and (*iii*). The number of apprentices passed out from the Ordnance factories is 257. Of these the following are employed in the Master General of the Ordnance establishments:

Assistant foremen	6
Assistant storeholder	1
Chargemen	33
Supervisors	45
On daily rates of pay	45
Total ..	130

(*iv*) Fourteen foremen and 79 assistant foremen have been recruited from the United Kingdom since 1924.

MASTER GENERAL OF THE ORDNANCE BRANCH, ARMY HEADQUARTERS.

40. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that the number of technical military clerks in the Master General of the Ordnance Branch is almost daily on the increase ? How many more of them have been, or are soon to be, drafted into the Master General of the Ordnance Branch ?

(*b*) Is it a fact that the personnel who are surplus in the arsenals are ostensibly brought to Army Headquarters for temporary work, but they are never returned to their establishments ?

(*c*) Will Government please state the longest period for which a technical military clerk has been retained in the Master General of the Ordnance Branch on work of a "temporary" nature ?

THE HONOURABLE LIEUTENANT-COLONEL A. F. R. LUMBY: (*a*) No, Sir. There are now 17 technical military clerks in the Master General of the Ordnance Branch, of whom four only are permanent, the remainder being temporary. Of the 13 temporary clerks six have not been replaced in the arsenals from which they were drawn. Six of the temporary clerks were appointed during 1934 for certain specific duties of a specialised nature which could not be performed by the ordinary ministerial establishment. Two of them have been appointed for four years, one for two years, two for one year and one for six months only. There is no proposal to increase the number of these clerks, which will automatically decrease as their particular tasks are completed.

(*b*) No, Sir.

(*c*) The longest period for which a temporary appointment has been sanctioned for a technical military clerk is six years.

SALE OF SILVER SINCE 1926-27.

41. THE HONOURABLE MR. HOSSAIN IMAM: Will Government be pleased to state the following information about silver sales yearly since 1926-27:

(*a*) Weight in tolas; (*b*) price in sterling; (*c*) loss in rupees on the book value; (*d*) the head of account debited; (*e*) debited to the capital account or to revenue ?

THE HONOURABLE SIR ALAN PARSONS: I would invite the attention of the Honourable Member to paragraph 28 of the Controller of the Currency's Report for 1933-34 and to the relevant entries in Account No. 7 and Account No. 93-A in the Finance and Revenue Accounts.

THE HONOURABLE MR. HOSSAIN IMAM: Do those papers give all the information ?

THE HONOURABLE SIR ALAN PARSONS: They give all the information we have available. If the Honourable Member does not find what he wants there he can speak to me and I will see whether I can supplement the information.

EXTENT TO WHICH ADVANTAGE HAS BEEN TAKEN OF THE PRESENT RISE IN SILVER PRICES.

42. THE HONOURABLE MR. HOSSAIN IMAM: Has Government taken advantage of the present rise in silver price due to the United States of America's silver policy? If so, to what extent? If not, why not?

THE HONOURABLE SIR ALAN PARSONS: The price of silver per ounce in the London market on the 12th of March was $20\frac{3}{4}d.$; on the 12th of April $20\frac{1}{4}d.$; on the 12th of May $19\frac{1}{8}d.$; on the 12th of June $19\frac{5}{8}d.$; on the 12th of July $20\frac{3}{4}d.$; and on the 28th of July $20\frac{1}{8}d.$ I must leave the Honourable Member to draw his own conclusion with regard to the effect on silver prices of the policy adopted by the United States of America.

THE HONOURABLE MR. HOSSAIN IMAM: The question was, did the Government take advantage of it?

THE HONOURABLE SIR ALAN PARSONS: If the Honourable Member had followed the figures which I have read out he would have seen that the price on the 12th July was exactly the same as the price on the 12th March. I was myself rather surprised to see the suggestion in the Honourable Member's question that there had been a rise in the price of silver owing to the silver policy of the United States.

THE HONOURABLE MR. HOSSAIN IMAM: Am I to understand that the Government did not sell any silver in this period?

THE HONOURABLE SIR ALAN PARSONS: There have been sales.

PUBLIC DEBT OF INDIA.

43. THE HONOURABLE MR. HOSSAIN IMAM: Will Government be pleased to give the following information about the Public Debt of India:

(*a*) The increase or decrease in the funded debt, rupees and pounds separately between 1921 and 1934 (31st March); (*b*) the increase in unfunded debt between 1921 and 1934 (31st March); (*c*) the increase in the interest bearing assets, showing separately the rupees and the pound capital at charge of each head on the 31st March, 1921 and 1934 (or 1933)?

THE HONOURABLE SIR ALAN PARSONS: I would invite the attention of the Honourable Member to Accounts Nos. 82—86 in the Finance and Revenue Accounts, and to the statement given in Appendix II to the Explanatory Memorandum on the Budget for 1934-35.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Government lay it on the table?

THE HONOURABLE SIR ALAN PARSONS: I am certainly not prepared to lay on the table the Finance and Revenue Accounts which can be found in the Library, and the Explanatory Memorandum on the Budget was presented to this Council in Delhi.

PRESENT PRICE PAID BY THE RAILWAY BOARD FOR STEEL RAILS PURCHASED FROM MESSRS. THE TATA IRON AND STEEL CO., LTD.

44. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the rate at which the Railway Board is now purchasing steel rails from Tatas

and the date since which this rate has been fixed and the date up to which the present rate will continue?

THE HONOURABLE SIR GUTHRIE RUSSELL: For sections not less than 50 lbs. or more than 100 lbs. per yard the rates are as follows:

(*a*) (*i*) For all rails less than 40′ in length, and

(*ii*) For rails of 40′ length up to a tonnage in any year not in excess of 20 per cent. on the total tonnage ordered during the year Rs. 110 per ton.

(*b*) (*i*) For rails 40′ in length in excess of the total tonnage ordered during any year, and

(*ii*) For all rails exceeding 40′ but not exceeding 45′ in length Rs. 112-8-0 per ton.

2. For 115 lbs. section rails and chrome steel rails the rates are Rs. 120 and Rs. 140 per ton respectively.

3. These rates have been in force from 1st April, 1927 and will continue to 31st March, 1935.

MOTION FOR ADJOURNMENT.

PROPOSED REMOVAL OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I wish to move an adjournment of the House to consider a matter of urgent public importance, namely, the proposed removal of the Imperial Institute of Agricultural Research from Pusa to Delhi.

THE HONOURABLE THE PRESIDENT: The Honourable Member has given notice of a Motion for Adjournment, and as required by the rule, I will read that notice to the Council.

"To the Secretary, Council of State.

Sir, I wish to move for an adjournment of the House tomorrow the 9th August, 1934, to consider a matter of urgent public importance, namely, the proposed removal of the Agricultural Institute from Pusa to a site near Delhi".

As I am of opinion that the Motion for Adjournment is in order and is not in conflict in any way with the restrictions imposed by rule 12, I will inquire of the Council whether they are prepared to give leave to the Honourable Member to move the Motion for Adjournment.

(No Member rose to object to the Motion.)

I see there is no opposition and therefore I will allow the Motion. The Motion will be discussed either at four o'clock or, if the Leader of the House agrees, immediately after the termination of the business today.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): It depends very largely, Sir, on the progress we make. Therefore, if you will permit me I will announce it later.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : I rise to place before the House the Resolution :

"That this Council recommends to the Governor General in Council to represent to His Majesty's Government the desirability of setting apart a colony for the emigration of Indians."

Before I discuss the merits of this Resolution I should like to dispel a misapprehension which is present in the minds of some of my colleagues. It is thought that this Resolution, in some way supports the Report of the Indian Colonisation Committee of South Africa. There was nothing of the sort in my mind. I brought forward this Resolution independently of that, and for different reasons altogether, than those which inspired that Report. India has always been suffering from the want of a place to which its surplus population could be sent. It is a chronic want of ours, and as time has gone on, door after door has been closed against us, and further developments have taken place which have made the position acute. Unless we do something to eradicate this evil we will be putting ourselves to great difficulties. The first point which strikes one in this connection is the growing population of India which is increasing, I may say, at an alarming rate. By 1951 we expect to have 50 per cent. more people than we had at the time of the introduction of the Reforms in 1921. The Agricultural Commission which went thoroughly into the question of land tenures and examined all aspects of agriculture, came to the conclusion that fragmentation of holdings and the creation of uneconomic holdings is going on at an alarming pace, and if this process goes on there will soon be very little difference between a vagrant and a landholder. In the second place, the fall in the price of primary commodities has also affected the well-being of Indians. When we had good prices for agricultural goods, a tenant even with a small holding could manage to eke out a living, but with the enormous fall in prices even what were regarded as economic holdings have become uneconomic. The Government had one way of solving this problem, that is by lowering of the exchange, but that they will never do. Today I do not expect justice to Indians by that method. These things were sufficient causes in themselves.

We see, Sir, that India has always been a good supplier of cheap labour. Ever since we have been connected with the British Government, Indian labour has been in demand in different parts of the British Empire. Indians pioneered in many places ; they blazed out the trails ; they cleared the lands ; and when everything was set in order the heaven-born Europeans came in and they occupied those colonies. I see that some of my colleagues are smiling, but I am saying a thing which is no exaggeration. May I remind the House of the fact that when a deputation of Indians went to Kruger he stated in so many words that he regarded Europeans as God's chosen people, and the Asiatics being descended from the other half were relegated for the purpose of servitude. This was the mentality of the Europeans in the colonies which form part of the British Empire. One after the other the self-governing colonies closed their doors. They were not content even with that. They maltreated Indians ; they heaped indignities on them and denied them even primary rights ; every one of the international laws was trodden under foot ; and all the time the Imperial Government sat still. It acted sometimes

as a post office forwarding the views of Indians to the self-governing colonies concerned, but it never exerted any pressure on them to do the right thing by the Indians. This position of the Imperial Government was clearly brought out by Lord Morley when he frankly stated that it was easier for the British Government to force a foreign Government to do justice to Indians than to ask the members of the so-called British Commonwealth of Nations to do justice to Indian British subjects. And why was it so, Sir ? Because the European colonies had self-government. They had complete right of including or excluding any one they pleased. The cup of iniquity was filled to the brim, when even the Crown colonies started copying the methods of their self-governing brethren in the British Empire. The position therefore became very acute and a hue and cry was raised 12 years ago about Kenya. The British Government had the convenient excuse of not being able to force a self-governing dominion ; but Kenya being a Crown Colony it was under the Colonial Office ; but there different tactics were adopted. Lord Carson had made the case of Ulster a famous one. In Kenya they followed the same tactics too and an anti-Indian faction was formed. Lord Delamere tried to intimidate the Colonial Office into giving way to the European settlers ; although Indians formed four times the population of Europeans ; although Indians had gone to Kenya long before Europeans ; although we had during the war sent more than 47,000 troops to the East African theatre of war ; although we had casualties of more than 5,000 in that theatre during the war, still Indians were not treated as equals. The Indian population which is nearly four times that of the European population was given half the representation of Europeans, and this small minority was given double our seats in the Legislature. Every day, Sir, the position of Indians is becoming more and more difficult in the colonies. We have seen that Indians are required as long as they are ready to serve as menials, as underlings, and do not press for their rights. But as soon as they put forward any claim to which they are entitled as human beings, as equals, as members of the British Empire, at once the fiat goes out that this thing must stop. We find that all the places are closed for the emigration of Indians. This, Sir, is the history of the last few years. The immediate cause which has prompted me to bring forward this Resolution is the action of the British Government. Now we find that even small places which were open to Indians are being slowly but surely closed. I refer, Sir, to two. First is Aden, which has played an important part and given employment to a great deal of Indians, but the British Government want to take it away from us ; the Colonial Office is grabbing it. We have experience, Sir, of other ports in the Red Sea, in which Indians were flourishing, but as soon as they were transferred to the tender mercies of the Colonial Office, the ports became almost deserts. Aden, too, as soon as it is transferred to the Colonial Office, in spite of the assurance which has been given, will become a hot bed for Indians.

Then, Sir, there is the question of the separation of Burma. Burma was a place where many Indians were finding scope for their energies, where they could settle and devote themselves to agriculture. It is shameful the way in which this question of the separation of Burma has been pressed without any regard to the principles of self-determination, without any regard to the protests of Indians, without any regard to the remonstrations from Burmans themselves. All the places to which Indians could

[Mr. Hossain Imam.]

emigrate are now closed. It is therefore necessary that we should have some place where our people might go and settle. I know, Sir, that in opposition to this demand every sort of plausible excuse will be put forward. But I wish to say that I am not voicing any new demand. Even Englishmen themselves have accepted the justice of the demand of India for a colony. Sir Theodore Morrison, after the war, strongly advocated that German possessions in Africa should be handed over to the Government of India. But, Sir, our Government did not exert or interest itself, so the other members of the British Commonwealth grabbed it. I can say that so far as the war was concerned no part of the British Empire put forward an effort equal to even half of the Indian Empire either in money or in men. But look at the result of the war. What did we gain when compared with the gains of the other members of the British Commonwealth of Nations? We are told that we are members of the British Commonwealth of Nations. When it comes to spending we are members, but when it comes to giving we are turned out as people outside the pale who have no place in the scheme of things. There was no return made for our war services, nor did we ask for any *quid pro quo* for all that we had done. But now, Sir, that we find that our necessities are growing, that our requirements are pressing, is it unjust to ask the head of the Commonwealth to do the right thing by us? Even if they do give us a colony, they will be doing us tardy justice, and not doing us a favour. I wish to stress the point that I always claim what I regard as my right and nothing but that.

One thing more, Sir, before I conclude. I should like to say that India expects, if not in the near future, at least not in the very distant future, some sort of self-government and it will be essential that the part to which our nationals go, should in some way be connected with us, so that we may be able to take care of our men who are in our outlying parts. I wish also to say, Sir, that this colonisation movement has absolutely nothing to do with the Resolution of my Honourable friend Mr. Sapru.

Sir, I move.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, in moving the Resolution, the Honourable Mr. Hossain Imam dealt with the hardships to which Indian emigrants to other countrie were subjected from time to time. This, Sir, is a theme on which this House will certainly sympathise with Mr. Hossain Imam in all that he has said. I happen to know something, Sir, about the condition of Indians in some of the countries and I cannot say that their lot is a happy one. The difficulties, of course, are very great. Mr. Hossain Imam, I am sure, realises that the kind of stuff that India sent out to various countries is not one of which we, as a nation, could be very proud. The history of the subject, as I am sure is known to Honourable Members, is this. When slavery was abolished, a number of countries stood very badly in need of labour. They wanted labour and they wanted cheap labour. Indian labour being efficient and being cheap, every country turned its eyes to India. The result was that a number of labourers were sent from India under a system of indenture. Now, I need hardly say as to what was the class of population that was persuaded to emigrate from India. The people

that went out to various dominions and Crown colonies did not represent us, they were not the best type of Indian civilisation or Indian culture——

THE HONOURABLE MR. HOSSAIN IMAM: Did not lawyers and traders follow in their wake, Sir?

THE HONOURABLE SAIYID RAZA ALI: No. But I do not want to enter into a discussion. All I wish to say is that there are only two countries where some of the representatives of the best type of Indians went. One was Kenya, with which India has had relations for many, many centuries. The other was South Africa where a number of Indian traders went after Indian labourers had emigrated to that country. So far as I know, these are the only two cases where a small portion of our good class emigrated after labour had gone to these countries.

Now, let me pursue the point which I was discussing. The difficulty, Sir, was that we sent a very low type of men to those countries to work as labourers. Well, perhaps it will be open to the Honourable Mr. Hossain Imam to say that these self-governing colonies and Crown colonies wanted labourers and workers in the field and they got what they wanted. That no doubt is true so far as it goes. But I am afraid you cannot help realising that when you send out these very poor types of Indian civilisation, these men do not add to the good name and reputation of India and do not produce an impression that India is one of the civilised countries of the world. As a matter of fact, I remember talking to a very distinguished public man in South Africa —we were talking about the Indian question and in this connection we happened to discuss the position of Indians in England and the absence of discrimination against Indians in England. The gentleman, who has got charming manners and who is very popular with Indians in South Africa, turned round to me smilingly and said:

"Now, Mr. Raza Ali, you sent a good type of Indians to England and you have the reputation which you have. Unfortunately, you did not send the same type of Indians to South Africa and hence most of your troubles".

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Is that including or excluding Mahatma Gandhi?

THE HONOURABLE SAIYID RAZA ALI: I have never put the question to him. So, while by no means justifying the attitude towards Indians of the self-governing and Crown colonies, I may say that that is a factor which may very well be present to our minds when we judge of the conduct of these colonies.

Now, having said so much, Sir, I come to the crux of the matter, namely, my friend urges that India should have a colony for herself. Now, the position is one which I am sure will excite enthusiasm and possibly feelings of pride in the heart of every Indian patriot. But where is the colony to come from?

THE HONOURABLE MR. HOSSAIN IMAM: The British Government.

THE HONOURABLE SAIYID RAZA ALI: Sir, the only sources of acquisition, so far as I can see, are three. The first is conquest. It is open to India to conquer some country—any country, no matter what it is—and colonise it. That is perfectly legitimate. There can be no objection. But I failed

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to hear my Honourable friend suggest such a course. As a matter of fact, situated as we are, it hardly lies in our mouths to talk of conquest. Time was when India conquered but that time does not exist. Well, any way, any idea of conquest these days is very dangerous. Not more than 20 years ago, a very big nation, a highly organised nation, thought of conquest and we know the fate of that nation today. I hope that will teach a lesson to my Honourable friend and those who follow this school of thought.

The second source is grant—and I think this is pertinent to the question we are discussing now. If a country or territory is granted by His Majesty's Government to India, and if favourable conditions exist, then certainly it would be open to India to colonise it. My Honourable friend failed to suggest what form the grant should take by His Majesty's Government and which country should be granted.

THE HONOURABLE MR. HOSSAIN IMAM: That is for the Government of India to settle.

THE HONOURABLE SAIYID RAZA ALI: Yes, that is a very pertinent answer. If that is so, I believe the best course, instead of having this Resolution and asking so many of us to take part in the discussion, would have been to send a registered letter to the Honourable the Leader of the House or His Excellency Lord Willingdon saying:

"Find a country which we can colonise. We want to settle in that country. We want to take our countrymen there".

I believe that course would certainly have been simpler. Now, it may be quite possible for His Majesty's Government to grant a territory to India. All the same, if the grant did take place, I would draw the attention of my Honourable friend to the huge expenditure that India would have to incur in this connection. I suppose the subject of the grant will not be a very populated country. If it were a very populated country, that will not serve the requirements of a colony. These are some of the things that would have to be done. Railways will have to be built, roads would have to be opened up, harbours would have to be constructed, forests would have to be cut down, health measures would have to be introduced, a number of doctors would have to be taken to the country, if there are mosquitoes, they would have to be got rid of—there are so many things that will have to be done, assuming that His Majesty's Government gave you a country. All that means money. I do not know where the money is to come from.

THE HONOURABLE MR. HOSSAIN IMAM: The money that is going to be spent on the transfer of Pusa.

THE HONOURABLE THE PRESIDENT: Order, order. You will have your opportunity of replying.

THE HONOURABLE SAIYID RAZA ALI: I expect, Sir, that my Honourable friend expects the Governor General in Council to meet the expenditure. The financial condition of the Government of India is too well known to the Honourable Member for me to say much about it. The net result is that assuming that a country was placed at the disposal of India by His Majesty's

Government, it would be next to impossible in the present circumstances for India to find the money to develop that country and to make it suitable for colonisation.

The third source of acquisition is purchase. That also can be done. But the arguments that I have already put forward apply tenfold to the case of purchase. A purchase would be much more difficult and would certainly involve a much larger expenditure than would be required in the case of grant. Having regard to all these considerations, I am afraid, though I desire that it were possible for India to have a colony of her own, the circumstances are against us.

Now, my Honourable friend has taken care to point out that he has not been influenced in any way by the Report of the Committee that was appointed by the Government of the Union of South Africa to go into the Indian question in South Africa. I think he has done a very right thing in not following that Committee's Report. I do not propose to follow that either. But one thing I must say that if the question of the surplus population of India is dealt with in a manner somewhat different from that suggested by my Honourable friend, it would certainly be necessary for us to approach the Government of India to help us in this question. It so happens that I have been to every province in this country and I happen to know something about the conditions obtaining in the various provinces of India. So far as I know, time was when three provinces were in a position to accommodate the surplus population from the remaining provinces of India. Those provinces were, in the first place, Burma. That of course goes by the board. It is no longer open to us—I am afraid that certainly it would no longer be open to us a couple of years hence to persuade the Government of Burma to accept any surplus population from India. But there are huge territories in Burma—in fact, the central portion of Burma has a climate which is very much akin to the climate obtaining in India, and if the surplus population were to be settled there, that would be a very proper method of dealing with the question. But, as I have said, we need hardly discuss that question. Leaving Burma out, there are two more provinces which could certainly accommodate a number of the surplus Indian population.

THE HONOURABLE THE PRESIDENT: The Honourable Member's time is up. Will he please bring his remarks to a close?

THE HONOURABLE SAIYID RAZA ALI: I will be finishing within a very few minutes, Sir. Assam is one.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam: Non-Muhammadan). Question?

THE HONOURABLE SAIYID RAZA ALI: I am quite prepared to be questioned by my Honourable friend, but Assam certainly has got very large tracts of land. Assam is really receiving a number of people from some of the districts of Bengal, particularly Mymensingh. A lot of people are going and settling in Assam. My Honourable friend can persuade the Honourable Mr. Barua and other friends from Assam to take the surplus Indian population. I believe that would relieve the situation. The second province is the province of Sind. Sind, Sir, I believe, is a name that always gives rise to excitement these days. But, if my Honourable friend could persuade the Honourable

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Sir Ghulam Husain Hidayatallah to allow the other provinces of India to avail themselves of the proposed benefits of the Sukkur Barrage, that would certainly give shelter to a portion of our surplus population. So, having regard to the terms in which the Resolution has been moved and having regard to the great limitations which the Honourable Member realises his Resolution is subject, I am afraid that unless my Honourable friend is prepared to give further information and to designate the country and the means by which that country is to be colonised, I for one must oppose this Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I had no mind to speak on this Resolution because I thought that the object underlying the Resolution was so important and so innocuous that it will receive universal support in this House. But I am rather surprised to find that my Honourable friend Saiyid Raza Ali has thought fit to oppose this Resolution. I have followed his speech very closely and I think that all his arguments are baseless. In the first instance, he says that the emigrants to the various other countries are not rich people like him or men of high status. The people who are poor, people who cannot support themselves in their own country, they are the people who generally migrate to other countries. The argument of my Honourable friend that men of his type have not gone to other countries therefore falls to the ground. Every other civilized country, like the British Isles, is always seeking some sort of colony in order to find employment for their brethren who are poor and who cannot find employment in their own country. France and Germany are thinking of taking back their colonial possessions which had been lost, so that their surplus population may have room to live and support themselves. I am sorry that a man of the ability of my friend the Honourable Saiyid Raza Ali should oppose a Resolution which is in the interests of India, in the interests of its poor. He talked of Assam and Sind. Punjabis are people who have migrated to many countries and I can speak from experience of my own provincial people that those who have migrated were making very good money abroad. Where colonisation is concerned, the climate and other conditions of the country are to be taken into consideration. I know that labour goes from Bihar and other provinces to Assam for the tea industry. That labour, as far as I understand, comes back when the monsoon starts there, and those who remain there fall sick and break down in health. The demand of my Honourable friend Mr. Hossain Imam is very modest, and I think it is the duty of the Government of India to find some colony where Indians will be welcomed. It is with great regret that we find that the Colonial Governments are bitterly prejudiced against the immigration of Indians. The Zanzibar question which has lately turned up is a good example of that. Notwithstanding the efforts of the Honourable Leader of the House and other high Government officials, India has not been successful to a very great extent as far as Indians in South Africa are concerned, and I think the time has now come when it is the sacred duty of the Government of India to help poor Indians.

The Honourable Saiyid Raza Ali has also raised the financial question, that the cost of colonisation will fall on India and the present financial condition of India will not justify it. He must first consider the cost of the starving Indians who have no employment——

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Can you quote it per head ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : As far as the Congress figures go, there are said to be one-third of the population in India who get only one meal a day. In case I am wrong the Honourable Leader will correct me ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I thought you were giving the cost of starving Indians per head ! (Laughter.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : The average income of an Indian is very small per head as compared with Europeans. The Leader of the House cannot deny that even in the countries where the cost of living and financial means are much greater per head than ours they find it necessary to send their surplus populations to colonize other lands. Why should not India do the same ? The financial question is a question of such importance that the Government should first take up this point rather than other matters. During the 10 or 15 years since the Great War the expenditure of the administration of India has gone up many times. It has quadrupled itself, and I therefore think the Government of India will not grudge expenditure on this project.

Sir, I strongly support the Resolution.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : I thought, Sir, that a Resolution of the sort which has been moved this morning was not likely to receive any warm reception in the House. I felt when I read the Resolution that probably it was being moved without realising in full what it meant and what implications it had. I will beg the Honourable Members to notice the following parts of the Resolution. It wants to set apart a colony for Indians. To set apart. That is to say the Honourable mover, after having dilated upon the numerous disabilities of Indians in dominions and in colonies, has adopted the defeatist policy and recognised that Indians cannot be allowed to live either in the dominions or in the colonies which are inhabited by others. He must have an exclusively Indian colony. He must create a *harijan* quarter amongst the colonies of the British Empire. Sir, this idea cuts at the very root of the policy of the Government of India. We are not prepared to admit that position. We have fought against it during many decades in the past and we are still occupied with it. (*An Honourable Member* : "With what result" ?) My Honourable friend asks, "With what result" ? Let me say with very indifferent success. Does that justify our abandoning the position of equality in the civilised world ? This is what he would like us to do. That is what I absolutely refuse to do. So there we have a clear-cut issue between that side of the House and this side. India is not prepared to be segregated, and it is much to be regretted that a Member of this House should put forward the position that India should reconcile itself to that position. It is not this Government's policy.

The second thing in the Resolution is that he wants the Government to find a colony, to buy it or to beg for it. Whether he has seen any advertisement of a colony going for sale I do not know. (*An Honourable Member* :

[Khan Bahadur Mian Sir Fazl-i-Husain.]

"There are!") There are. No doubt you receive an intimation from the brokers for them!

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Java and Sumatra were sold by the British to the Dutch.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Was it very recently?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Some years back.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: This idea of a colony must be remembered in view of what he has said. That is to say, he wants us to ask His Majesty's Government to give us a colony which is not inhabited by others and which would be exclusively inhabited by Indians. Therefore presumably he wants a colony which is not already colonised either in full or in part, which means that he wants a brand new colony yet unexplored which he expects the Government of India to go and occupy and to make civilised.

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THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about Brazil?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: There are many places in the world yet, I hope, which it would be possible in course of time to colonise for those who have got the requisite amount of adventurous spirit and virility to go to and plenty of money to colonise. But mere desire to go because you find it easier to beg for colonies than to control your population is not decidedly the soundest policy. I do not know to what extent His Majesty's Government will be prepared to find colonies for the surplus population of India. If the Indian population continues to increase one per cent. every year, assuming that India has reached the saturation point already—and that is what the Honourable mover of the Resolution appeared to indicate—it means one per cent. of 35 crores every year to be sent out for colonisation. If there is anything in the figures quoted in the South African Report, where the individual's cost of living and other things in the first few years is put down at Rs. 1,000 per head, it will work out to a large figure. One per cent. of 35 crores to colonise every year at a cost of Rs. 1,000 per head, besides the cost of buying and administering and so on. I am afraid the total revenues of India will be absorbed in the colonisation scheme—I thought it worked out at Rs. 100 crores a year or something like that, but it comes to much more than that.

THE HONOURABLE MR. HOSSAIN IMAM: According to your formula.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Not according to my formula, but according to the calculations of the Department. Perhaps you have worked out a smaller figure? These brilliant ideas do not always turn out to be very practicable.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The mover of the Resolution was talking of the surplus population and not of the whole population.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: We are talking of the surplus population. Assuming that 35 crores is the population that India can support at present and the increase is one per cent.—as you know with better standards of comfort it is possible that it may work out to two per cent. unless you are careful—but still assuming that it remains at a low figure of one per cent. with high infant mortality and so on—that would be one per cent. of 35 crores, or 35 lakhs a year. We will soon be able to inhabit all the colonies. It seems to me that however desirable it may be to find a colony or to find colonies where Indians could on terms of equality go, what we have to see is can we afford it or may I take it that the mover of the Resolution shares the views of his leader that there is to be no question of India being able to afford it and that His Majesty's Government is to find means to arrange that 35 lakhs of Indians a year colonise some colony or colonies every year. He thought of achieving this by making an appeal to His Majesty's Government that the poor should be helped. He also said that the standard of comfort is very low as compared with the standard of comfort in other countries and in particular in Great Britain. He is perfectly right, Sir, but knowing him as I do, knowing his views on economic problems within India, knowing how he hates communism, knowing that he is not even up to the standard of normal socialism that prevails in many countries—he does not like that idea—how is it that he urges upon me an international communism, an international socialism? What he wants me to achieve is that I should impress upon His Majesty's Government that the standard of comfort in the British Commonwealth of Nations should be uniform and as long as the weakest unit in the Commonwealth is not raised to the same level as the others a case for gift or grant or charity is made good.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: We request you to do it.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You would like to pay from your own pocket—that India should pay for the colonisation herself? Very well, we will leave poverty, charity, alone. Now the case I have to meet is that India should finance her colonisation scheme to the extent of 35 lakhs of Indians a year herself. Now let us see what the cost would be in case territory was available within British India or within India, because some States are not as thickly populated as others. An appeal was made by my Honourable friend Saiyid Raza Ali to the Honourable Sir Ghulam Husain Hidayatallah saying why not let us come to Sind. I think Sind has not closed its doors against anybody who would like to come and take land under the terms advertised by the Bombay Government in Sind. I believe land can be had there for about Rs. 300 an acre, and if you must have the smallest possible holding of, say, 10 acres a man, you pay 300 times 10 or Rs. 3,000 for land, and another Rs. 1,000 for bullocks and other things.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: At the present time that is not a paying proposition.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Therefore you will not colonise within India. Is it outside India a paying proposition?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Because we cannot pay the present high price of land in India.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Therefore you must have land free.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Land was sold at a much cheaper rate in Kenya.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: When ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Some time back.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Time passes away and never comes back and you have to deal with the present and not with the past. So, Sir, it seems to me from this little exchange of ideas which I have had the privilege of having on the floor of this House with my friends opposite that they do not want this colonisation scheme on the basis of charity from His Majesty's Government. They do not want me to try to get a free grant at all.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: It is not as a matter of charity that we want it, but it is the duty of the Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL I-HUSAIN: It is the duty of a rich man like my Honourable friend to give, but it is charity to the poor man who gets it! (Laughter.) Therefore duty and charity are relative terms—whether it is a beggar begging or a rich man who is giving. However, I trust that by now the Honourable mover and his supporters realise that what they ask, and that it is impossible of realisation. I have touched upon the question of finances but to me the most abhorrent portion of the Resolution is that which by implication recognises the principle of segregation, a policy which is repugnant in every way. I find, Sir, if I may venture to say so, the proposal is immature, absolutely immature. It is incomplete, it is impracticable, it is inopportune and, if I may say so, finally it is distinctly injurious.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I was surprised to hear the reply of the Leader of the House on a Resolution like this. The Resolution as it is worded is very simple and I regret to say that he has been talking about some other things unconnected with the Resolution. In the Resolution as worded my Honourable friend requests Government to represent to His Majesty's Government the desirability of setting apart a colony for the emigration of Indians. Sir, it is a very legitimate demand of ours. The British Government has utilised so much of the resources of India for meeting imperial objects and if it is asked to open the doors of their own colonies for Indians for their surplus population, I think it is not a proposition which should be treated in the light-hearted fashion in which the Leader of the House has done this morning. We all know that our resolutions are certainly in the form of begging from His Majesty's Government. But we have no other form to represent but to beg His Majesty's Government. My friend the

Honourable Saiyid Raza Ali thought that it was wasting the time of the Members to bring such Resolutions to this House and it would have been better if the request had been sent by a registered letter. I do not know whether this Council is established to register the decrees of Government or to represent any public point of view as well? Sir, if the object of this Council is also to bring the public view points before the Government, I think it was certainly legitimate for my colleague to bring such a Resolution and waste a little of the precious time of my Honourable friend Saiyid Raza Ali.

Sir, judging by the support that this Resolution is getting we know what its fate is going to be and if my friend had sent the request by registered post it would certainly have been thrown into the wastepaper basket without any reply.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: No, no.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, with your permission, I would quote two sentences from the Report of the Indian Colonies Enquiry Committee. The members of that Committee have thoroughly supported the viewpoint that has been placed before the House by my Honourable friend Mr. Hossain Imam.

THE HONOURABLE SAIYID RAZA ALI: On a point of order, Sir. There are two Resolutions on the agenda paper. One is Resolution No. 1 which is the subject-matter of discussion. The other is Resolution No. 4 which treats of a different matter and the Honourable mover and those who spoke after him refrained from referring to the Report of the Committee which is in the hands of my Honourable friend. I fear, Sir, if the Report is quoted, Mr. Sapru's Resolution No. 4 might be barred. Therefore I suggest that he should not make any reference to the Committee's Report.

THE HONOURABLE THE PRESIDENT: The Honourable Member should not anticipate the decision of the President with regard to that Resolution. When that Resolution is reached I shall give my decision whether it is admissible or not.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I submit that in one paragraph they have definitely said what my friend has moved. About the rest of the Report I shall talk on the Resolution of my Honourable friend Mr. Sapru. They say:

"From an economic point of view India, with an ever-growing population, which in 1931 numbered over 352,000,000, has a right to seek outlets for the surplus population of her congested areas and to obtain a colony as other nations have done. Hitherto the sons of India have gone abroad to develop the colonies of others as indentured labourers, and have for the most part remained outside the circle of citizenship in their new homes, because of the stigma of their indentures; and the continued political inferiority of these emigrants in the countries to which they have gone, reacts upon the status of India in the eyes of the world.

"On national as well as economic grounds, therefore, it is natural that India should aspire to found beyond her own shores a colony, where the energies of her more adventurous citizens could be expended in building up a free and independent Indian community. The call to patriotism referred to in the undertaking of the South African Indian Congress may be interpreted in this sense".

THE HONOURABLE SAIYID RAZA ALI: Does the Honourable Member realise what the object of those who say this, is ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I do realise it and I will give expression to it when that Resolution is moved. It is not the proper place here to express the object underlying the Report. But I submit, Sir, that the members of this Enquiry Committee are also of the opinion that India should have a colony in which the status of the emigrant should be equal to that of the citizens of the colonies and the object of my friend also in bringing this Resolution, in other words, is that the British Government may open the doors of the colonies for Indians with the same rights and privileges that they enjoy there. That is the main object and with this object, Sir, I think the Resolution ought to be supported by the Government and the recommendation should be sent to His Majesty's Government.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I have been familiar with the tactics of the legal profession and I fully realise that when one has to support a weak case one usually has recourse to special pleading, to distortion of facts, to going astray on side lines, and thereby camouflaging the main issue. Both the Honourable the Leader of the House and the Honourable Saiyid Raza Ali have really left the main issue of the point which ought to have been discussed altogether aside. The Honourable Saiyid Raza Ali spoke of sending a letter to the Leader of the House or to the Governor General. I think it is a very good suggestion, Sir, and if the Government accepts it, they will be making a great deal of saving by abolishing all non-official days as well as official days. They can send us letters with regard to everything, and we can send in our votes whether we want to have a particular Bill or Resolution adopted or turned down. All work can be done through the post, and the post office will be getting money and the Government will be losing not a single pie. If the Honourable Member has become such a big economist, he can take this suggestion to its logical conclusion.

Then, Sir, he asks, "Where is the money to come from?" There is one source which I will refer him to. It is the money that is going to be spent on the transfer of Pusa. That is one source which you can save and spend on the colony.

THE HONOURABLE SAIYID RAZA ALI: It is a drop in the ocean.

THE HONOURABLE MR. HOSSAIN IMAM: I thought that this House was much better informed and knew that most of the colonies of England were formed by charter companies. That procedure has not been referred to either by the Honourable Saiyid Raza Ali or any one else. That is the one method which has been invoked in almost all the colonies which were started by England, and that is the one thing to which no one has referred. He also put forward the suggestion that Assam and Sind should be colonised. These are already populated. The population from the adjoining districts of these provinces who have no irrigation facilities are flocking in as far as their pockets allow them to do. But they find that the demands of the public treasuries of the Sukkur Barrage are greater than their pockets permit.

I was really suprised to hear from a well-informed person like the Honourable Member referring to the strata of people who have gone to the colonies. Has he forgotten what was the condition of Australia in the mid-

Victorian period? Was it not a colony mostly of roughs and criminals? All these colonies which are now prosperous and respectable—most of them started in the same condition. It is only the scum of the population and the adventurers who go first.

THE HONOURABLE SAIYID RAZA ALI: No, no. You cannot say the same thing of South Africa or Canada.

THE HONOURABLE MR. HOSSAIN IMAM: South Africa started as a Dutch Colony and parts of Canada were French. I was talking of English colonies and not of Virginia, New England and the American colonies which had real backbone, and consisted of the good society from England, but they do not form part of the British Empire now. Those who were of superior strata were not willing to be trodden down by the mother country and they asserted themselves and now they have established themselves as the superior-most country as far as commercial enterprise is concerned. This is what they did. The Leader of the House says we are subject to defeatist tendencies. Is it defeatism to realise your own shortcomings? What will you call a person who is so blind to the realities of the situation that he does not realise his own puny efforts and wants to ignore the insurmountable forces that are in front of him? If there is an irresistible force and an immovable mass, what will happen? If the force is irresistible, the mass will not be immovable, and if the mass is immovable, the force will not be irresistible. We are a subject nation. We, who have no power, have to fight the self-governing dominions, one of which is ready even to secede from the British Empire, like Ireland. This is the status which the Statute of Westminster has given to the dominions. They are to all intents and purposes independent of the mother country. Can we think that our puny efforts, the efforts of the Government of India—which has always been slow in reacting to public opinion—with no force behind it will succeed? If we are subject to defeatism, Sir, then those who do not consider their own powerlessness are suffering from something worse than defeatism.

As regards conquest we never suggested it, but did the Member consider why could we not conquer? Was India always in such a state as at present? Was India always as powerless as it is now? In this Resolution we do not force the Government to go into the world and conquer a country. It is our wish that the British Government should be asked to set apart a country. I have particularly left the wording vague. The Leader of the House said he is always fighting to get Indians the same opportunities as Europeans have in the Crown colonies. Sir, I would welcome this assurance if it were a genuine determination of the Government in India. Will he accept if I amend this Resolution as

"the desirability of opening all the Crown colonies to Indians on terms of equality with Britishers"?

THE HONOURABLE THE PRESIDENT: Order, order. I cannot allow any amendment at this stage.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, if he accepts, I will move it on the next non-official day. I want an assurance from the Government representative that that statement of his that he is going to fight it out till the

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end and that he is not going to take defeat has real backbone behind it. I will accept such an assurance. At the present moment we cannot have anything without fighting for it, and without exerting ourselves. The Government of India have always been unresponsive. It has been to a large extent non-co-operating with the public opinion of India and to a very great extent it has always been working in the interests of His Majesty's Government of Great Britain. Sir, when colonies are heaping on our heads indignities after indignities, what has the Government of India done ? Have the Government of India excluded South Africans from India ?

THE HONOURABLE SAIYID RAZA ALI : Are there any ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, there are.

THE HONOURABLE MR. HOSSAIN IMAM : Is there any exclusion order ? Is there the same measure for Canada and Australia ? It is all very well to turn on us and say that the Government are very mindful of our interests. We have to judge them not by their words but their actions. Their action has always been subservient to the interests of His Majesty's Government of Great Britain. Sir, the fact that India has practically reached saturation point owing to the alarming rate of increase of its population makes it necessary that we should have an outlet. We have to find a home for lakhs of persons who are born each year. Well, we do not of course export babies right away.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : You propose to keep babies here.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, no country has taken up the attitude that each and every person over and above the home quota should be sent abroad. The question of surplus population has arisen in most of the colonising countries of the world, England, Holland and Germany. The population of England has nearly doubled itself in the last 50 years. Even England does not send all its surplus to the colonies. My Honourable friend took the impossible figure of 35 lakhs and multiplied it by 1,000 and gave out a result which would drain all the resources of the Government. Colonisation, as I have said, is effected by means of chartered companies.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Do chartered companies function without finances, and is it to be an Indian chartered company ?

THE HONOURABLE MR. HOSSAIN IMAM : Yes, Sir, and the companies finance themselves, not the Government. Then he gave us a good lecture that colonisation is not an advantage economically. I wish he was the adviser to all the European Governments which have been hankering after colonies. Much of the world strife and trouble would have been saved if the Honourable Leader had been a common adviser of all the European countries during this century. Then he took up the position that colonisation would make such commitments on the Government of India that it would be impossible for them to accept this Resolution. My only reply to that is that to a very great extent the experience of England has shown that the colonies pay for themselves. No doubt some capital expenditure is required to be incurred in the beginning. They have to be set in order, but after settlement rates and taxes repay the outlay.

I, Sir, for one have great pleasure in finding that this idea of mine does not commend itself to the Government, because that in itself is a certificate that it is good from the point of view of India because a Government which is under the heels of other foreign powers does not approve it. I commend this Resolution to the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Just a few words, Sir. First, I wish to invite the attention of the Council to the fact that when a speaker talks of his own views, that is all right. But when he begins to talk of the views of India, meaning thereby he himself as the personification of Indian public opinion, then his claim to that distinction has to be tested. I am afraid you will find in this particular case that there are very few people who agree with him in the views he has expressed. I am particularly sorry about it because I feel that some of the views that he has expressed are such that they may prove injurious to Indian interests abroad. That is a matter for very great regret. He has re-asserted that in the view of the failure of the Government of India to obtain suitable terms of treatment for Indians abroad, he has selected the course of an exclusively Indian colony—segregation. Well, as I said before, that is a point on which I cannot possibly agree with him or those who think with him. That is the second thing. The third point is that he thinks all financial difficulties can be got over through the agency of a chartered company. Well, Sir, I am not a financier and I have not had the benefit of expert advice on the subject ; but even without such advice I am prepared to assure him that if his leader and other financially responsible people in India proceed with this idea of an Indian company for purposes of colonisation abroad, and work it up to the extent of a company ready to apply for a charter, such a request from such men will receive the most careful consideration of the Government of India. The Leader of the Opposition asks whether what I have said is only a gesture or whether I am in earnest ? I can assure him that whether it is a mere gesture or it is full of earnestness depends entirely upon what he is prepared to bring forward. If there is earnestness, if there is reality, if there is substance in the movement on the part of financially responsible Indians in the direction of a colonial company, I can assure him that the reaction on the part of the Government will be equally substantial and real.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Government take some substantial share in it ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : When the claim is preferred that will have to be considered.

THE HONOURABLE THE PRESIDENT : Resolution moved :

" This Council recommends to the Governor General in Council to represent to His Majesty's Government the desirability of setting apart a colony for the emigration of Indians."

The Question is :

" That this Resolution be adopted."

The Council divided :

AYES—9.

Banerjee, the Honourable Mr. Jagadish Chandra.
Barua, the Honourable Srijut Heramba Prosad.
Chari, the Honourable Mr. P. C. D.
Halim, the Honourable Khan Bahadur Hafiz Muhammad.
Hossain Imam, the Honourable Mr.
Jagdish Prasad, the Honourable Rai Bahadur Lala.
Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.
Ram Saran Das, the Honourable Rai Bahadur Lala.
Suhrawardy, the Honourable Mr. Mahmood.

NOES—27.

Basu, the Honourable Mr. Bijay Kumar.
Charanjit Singh, the Honourable Raja.
Chetti, the Honourable Diwan Bahadur G. Narayanaswami.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.
Crosthwaite, the Honourable Mr. H. S.
Devadoss, the Honourable Sir David.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.
Gladstone, the Honourable Mr. S. D.
Hafeez, the Honourable Khan Bahadur Syed Abdul.
Hallett, the Honourable Mr. M. G.
Hidayatallah, the Honourable Sir Ghulam Husain.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.
Lumby, the Honourable Lieutenant-Colonel A. F. R.
Menon, the Honourable Diwan Bahadur Sir Ramunni.
Miller, the Honourable Mr. E.
Mitchell, the Honourable Mr. D. G.
Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Padshah Sahib Bahadur, the Honourable Saiyed Mohamed.
Parsons, the Honourable Sir Alan.
Philip, the Honourable Mr. C. L.
Ray of Dinajpur, the Honourable Maharaja Jagadish Nath.
Raza Ali, the Honourable Saiyid.
Russell, the Honourable Sir Guthrie.
Stewart, the Honourable Mr. F. W.
Stewart, the Honourable Mr. T. A.
Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
Wingate, the Honourable Mr. R. E. L.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT: The Honourable Rai Bahadur Lala Jagdish Prasad has given notice of his intention not to move his Resolution* today. We will now proceed with the Resolution† of the Honourable Sardar Shri Jagannath Maharaj Pandit.

(The Honourable Member was absent.)

THE HONOURABLE THE PRESIDENT: The next Resolution is of the Honourable Pandit Prakash Narain Sapru. I hold that his Resolution

* "This Council recommends to the Governor General in Council that income-tax be levied in the case of house property on the actual income derived by the assessee and not on the annual letting value of the property, and that for this purpose the income-tax law may be suitably amended if necessary."

† "This Council recommends to the Governor General in Council that the inferior servants in the departments under the control of the Central Government be made eligible for pension equal to half their emoluments as defined in the Civil Service Regulations."

is not barred by the Resolution of the Honourable Mr. Hossain Imam and my reason for holding so is that Mr. Hossain Imam's Resolution was not of a limited character, it referred to an exclusive colony for Indians in any part of the world, while the Honourable Mr. Sapru's Resolution refers to a distinct matter regarding the steps to be taken in accordance with the spirit of the Cape Town Agreement of 1932. It is a matter which is admissible for discussion. I fully realise the objection of the Honourable Saiyid Raza Ali and I do feel that some of the arguments advanced in discussing the Resolution of Mr. Hossain Imam will be repeated in the discussion of this Resolution. At the same time I am not prepared to hold that this Resolution is barred.

RESOLUTION *RE* REPORT OF THE COLONISATION ENQUIRY COMMITTEE.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I rise to move the following Resolution:

"In view of the fact that the recommendations of the Indian Colonisation Enquiry Committee appointed by the Union Government of South Africa do not serve the interests of the Indians resident there, this Council recommends to the Governor General in Council to press the Union Government to take adequate steps, in accordance with the spirit of the Cape Town Agreement of 1932, to secure the advancement of the Indians residing in South Africa."

I am asking in this Resolution the House to say in clear terms that the Report of the Colonisation Committee is unsatisfactory and will not do and that the Government of India should now urge the Union Government to do all they can to enable our brothers in South Africa to develop along their own lines and make their distinctive contribution to the land of their adoption.

The circumstances which led to the appointment of the Colonisation Committee are no doubt within the recollection of the House. South Africa has never been able to reconcile herself to the presence of large numbers of Indians in the Union. The white races in South Africa have always regarded the Indian as an undesirable element and the Indian Government has always had difficulty in getting considerate treatment for men who have helped to build up the South Africa of today. The year 1927, however, represents a landmark in the history of the relations between South Africa and India for in that year as a result of the labour of the delegation which was headed by our distinguished Sir Muhammad Habibullah, the Union Government accepted the principle for which our countrymen there had been fighting, namely, that

"it was their duty as a civilised state to devise ways and means and to take all possible steps for the uplifting of every section of their population to the full extent of their capacity and that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the population."

We, on our part, recognised in that Agreement that South Africa had a right to use all just and legitimate means for the maintenance of western standards of life. It was further laid down that Indians who are prepared to conform to western standards of life should be helped by the Union Government to do so. The Agreement went on further to provide for a scheme of

[Pandit Prakash Narain Sapru.]

assisted emigration to India or other countries where western standards of life are not required. In other words option was to be given to those Indians who so wished to leave South Africa and go back to India under a scheme of assisted emigration. The Government of India bound itself, under the Agreement, to look after such emigrants on their arrival in India. In order to secure effective and continuous co-operation between the Government of India and the Union Government, the Union Government requested the Government of India to appoint an agent of their own. The two Governments were to watch the working of the Agreement, to some of the more important features of which I have invited the attention of the House, and to exchange views from time to time as to any change that experience might suggest.

It was really in pursuance of paragraph 7 of the Agreement that the deputation of which the distinguished Leader of the House was the head visited South Africa in the early part of 1932. That deputation met the representatives of the Union Government and exchanged with them views as regards the modifications that experience had suggested.

Experience of the assisted system of emigration had not been satisfactory. In the statement which was made on the 15th April, 1932, in this House as also in the Lower House, the position as explained by the Government of India was that

" the possibilities of the Union scheme of assisted emigration to India are now practically exhausted owing to the climatic conditions of India as well as to the fact that 80 per cent. of the Indian population of the Union are now South African-born. As a consequence, the possibilities of land settlement outside India as already contemplated in paragraph 3 of the Agreement have been further considered. The Government of India will co-operate with the Government of the Union in exploring the possibilities of a colonisation scheme for settling Indians both from India and South Africa in other countries. In this investigation, which should take place during the course of the present year, a representative of the Indian community in South Africa will, if they so desire, should be associated. As soon as the investigation has been completed the two Governments will consider the result of the enquiry ".

The House will note that the only part of the Agreement of 1927, that was modified in 1932, was that which related to assisted emigration and the proposed exploration of the possibilities of land settlement outside India. The proposal that the possibilities of land settlement outside India should be explored merely carried out an integral part of the 1927 Agreement. In explaining the nature and scope of the Agreement the Government of India laid emphasis upon the fact that the 1932 Agreement in no way modifies the principle which the Union Government had accepted in 1927, namely, that it was their policy to do all they could, within the limits of their resources, to uplift the permanent section of their Indian population.

The House will also note that the Colonisation Enquiry Committee was appointed by the Union Government, in pursuance of the Agreement of 1932, to undertake a preliminary enquiry in South Africa for the purpose of exploring the possibilities of the colonisation scheme contemplated by the 1932 Agreement. As I have just pointed out, the possibility of emigration of South African Indians to countries other than India had been contemplated by the earlier Agreement of 1927. The representatives of the Government of India

found themselves faced with the position that the possibilities of the scheme of assisted emigration to India were exhausted. The Indian representatives had, therefore, to consider and agree to the possibility of a scheme of land settlement outside India being explored. The Government of India bound themselves, according to the Agreement, to this

" that they will co-operate with the Government of the Union in exploring the possibilities of a colonisation scheme for settling Indians, both from India and from South Africa, in other countries ".

The Agreement, in short, proceeded upon the assumption that the possibilities of the scheme of assisted emigration were exhausted and that, therefore, it was necessary to explore the other alternative of land settlement outside India.

The Commission contemplated by the 1932 Agreement was a Joint Commission appointed by the two Governments. What the Union Government did was to appoint in the first instance a Committee of their own in South Africa in order, it was explained, to facilitate and expedite the work of the Joint Committee. I think the House will agree with me that the better course for the Union Government would have been to wait for the appointment of a Joint Committee. I know that the Committee are careful to emphasise that they are charged with doing some preliminary work, but it does strike one that it was not necessary to have a preliminary enquiry for this purpose. After all the data and material collected—which have been collected by the Committee—could easily be gathered from easily available works of reference and Government reports and public documents. The fact, however, remains that our Government acquiesced in the appointment of this Committee and that the section of South African Indian population represented by the South African Indian Congress decided to co-operate with the Committee on the assumption that it was the Government of India which was anxious to promote a colonisation scheme for the teeming millions of India and that the initiative in regard to this colonisation clause in the Agreement had come from the Government of India. To quote the actual Resolution of the South African Congress :

" The Congress agrees to co-operate with the Government of India and the Union of South Africa in the former's mission to explore outlets for colonisation in regard to our increasing population, provided that such co-operation on the part of the Congress is taken as inspired by patriotic motives and to ascertain whether there exist any good opportunities for South African Indians in the countries explored, and not on the scores of Indians being deemed undesirable in the Union or that the Indian population is to be reduced ; provided also that the assisted emigration scheme which formed part of the last Agreement is eliminated and that the Congress will be free to oppose as its policy ".

What, therefore, the South African Indian Congress contemplate is a scheme primarily undertaken by the Indian Government for the benefit of India's surplus millions in which South African Indians could take part and which the South African Government could accept as a substitute for assisted emigration to India.

The Committee say that the character of the colonisation scheme contemplated by the Agreement has been correctly interpreted by the South African Congress. Now I do not think that this is a correct statement of the position. I do not think that the Government of India—and the Leader of the House will correct me if I am wrong—

1 P.M.

[Pandit Prakash Narain Sapru.]

has ever been anxious to promote a colonisation scheme for Indians. I do not think the suggestion emanated from the deputation of which the Leader of the House was the head. I think we may credit the Government of India with some knowledge of its own limitations. It is a subordinate branch of His Majesty's Government. The people of this country have yet to win the independence of their own government. Our experience of colonisation experiments carried on under the control of the Colonial Office has not been happy. It would be grotesque for India which has not yet achieved her own independence to aspire to rule other people or to build up a larger India in other lands. What really appears to have happened is that the Union Government were anxious to find a substitute for their scheme of assisted emigration and that the Government of India agreed to explore the possibilities of such a scheme, in order primarily to benefit the South African-born Indian. The initiative was to be taken by the South African Government and the Government of India merely undertook to co-operate with that Government in any enquiry it might undertake in this matter.

To proceed further, the Committee endeavours to define in the first part of their report the character of the colonisation scheme which is to be explored. After pointing out the forms it might take they go on to observe that

"it is natural that India should aspire to find beyond her own shore a colony where the energies of her more adventurous citizens could be expended in building up a free and independent community and that, therefore, the scheme adopted now should contemplate the continued growth of a new settlement and the possibilities of the ultimate colonisation of a considerable area possibly of a whole territory or territories ".

Further on they observe that

" The objective visualised in the Round Table Conference agreement is the foundation and establishment in some undeveloped territory, under proper control and with adequate financial support, a purely Indian colony. As the basis of this colony would be land settlement a sufficient tract would have to be acquired as a first step, either by the colonising governments or by private corporations appointed by them. Although such a colony would begin on a small scale the prospect of its inevitable growth and territorial expansion would always be kept in view by its founders. In a settlement of this nature where the majority of the new colonists would be Indian peasants many others skilled in industry and commerce and administration would be required and it is reasonable to suppose that a place would be found for such South Africans as desired to take part ".

The question, then, which we have to ask ourselves is whether, assuming colonisation of the type indicated by the Committee is desirable, India and the Indian Government can at the present moment afford to launch upon schemes of this character ? Now we know, Sir, that we are passing through a period of the intensest depression in the country. All classes have been hit hard by this depression, and we can hardly see the end of it yet. Our financial position can hardly be described as satisfactory. We have urgent social reforms to promote. It is essential that social services should not be starved. We have to usher in the social service state. One of the big problems for which we have to find a solution is, how to finance the social services ! We are on the eve of constitutional changes which, whether they transfer power or not, are at least certain to involve us in heavy expenditure. We have not many expanding sources of revenue and it is not possible for us to go on adding to the burden of the Indian taxpayer indefinitely.

Let us just consider what a new scheme of colonisation will cost. I will let the Committee speak mostly for me. The Committee themselves point out what is involved in a colonisation scheme. I will quote from paragraphs 19 and 20 of the Report :

" The reference in the Round Table agreement to the possibilities of land settlement does not mean that only agriculturists who would actually work on the land would be acceptable as colonists. Your Committee is unable to take this narrow view. While land settlement would naturally form the basis of colonisation, as it has done all over the world, many auxiliary activities are absolutely essential. In the type of new colony indicated in the previous paragraph a land with potential but undeveloped resources, much pioneering would have to be done. Communications would have to be established, harbours found and developed, wharves built and all the necessary machinery of an organised industrial community created in order to avoid by effective planning the hardships and failures which have too often followed the unco-ordinated efforts of pioneers in the past. This effective planning would entail the selection of colonists in their home countries, their conveyance to the new country, and their equipment and settlement under conditions which would enable every male adult or head of a family to become a self-supporting citizen. It would include the organisation of marketting of all products of the new country ".

Again they go on to say that

" the objective visualised in the Round Table Conference is the foundation and establishment in some undeveloped or but little developed territory, under proper control and with adequate financial support, of a purely Indian colony ".

In a subsequent part of their Report, namely, paragraph 24, they go on to observe :

" The requisite land for settlement could be obtained by purchase, either from private owners or from the Government of the country selected. The purchase might be made either by the Government of India or by some colonising corporation approved by that Government. It is conceivable that a company might be formed for the purpose, to which extensive powers would be given by a special charter from the Indian Government. It is also conceivable that the sovereignty of the selected territory might be acquired by and transferred to the Government of India or a chartered company which, in such event, would have an entirely free hand in regard to schemes for settlement. As the territory would be undeveloped and sparsely peopled, the administration set up by the Government of India or chartered company would become the custodian of the rights of the aboriginal inhabitants and would be able to deal with all proprietary claims made by them ".

We may well ask, where is the money for all this colonisation to come from ? Is this the time to embark upon a scheme of this character ? Would it be right on our part to spend the taxpayers' money at a juncture like this on an enquiry into the conditions in North Borneo, New Guinea and British Guiana ? What is going to be the cost of this enquiry ? Can the Indian taxpayer bear it and ought he to be made to bear the cost of a roving commission of this character ? And where are the private companies and private capitalists who will be prepared to invest their money in an adventure of this nature ? These questions can only be answered in the negative, and we are left with the position that it is neither feasible nor desirable for us to waste any money over the Joint Committee contemplated by the Agreement. How can we who are not free in our country think of a colony ? Our Government is a subordinate branch of His Majesty's Government, and it is rather grotesque to suggest that we should at this state of our political evolution aspire to be a colonial power.

[Pandit Prakash Narain Sapru.]

I now pass on to consider the part of the Report in which the Committee discuss the suitability or otherwise of various possible countries for Indian colonisation. They start off by saying that

"It is too late for India to become a competitor in colonisation with the Western Powers in the more settled parts of the world, and that the appropriate field for Indian colonisation must be sought in countries which are to a great extent in a premature state".

But seriously I do not understand this expression "settled parts" of the world. Some of these settled parts of the world are sparsely populated and there are large vacant spaces in them. There are undeveloped lands in these tracts.

It is not justice to deny to the Indian the opportunity to develop, for example, tropical Africa. He can use with force precisely the arguments by which western people justify their policies of peaceful penetration and exploitation of Asiatic countries. Why should the Indian be not permitted to develop undeveloped countries? What justification is there for ruling out the African belt as a possible field for Indian emigration? The products of these African lands are necessary to the welfare of the world, and if the African will not develop his territories somebody else must do it for him and the world. That is the argument which western races have employed in relation to Asiatic countries and it is not for them to pose as protectors of the "native" races in the African land.

After a process of elimination the Committee suggests (1) British North Borneo, (2) British New Guinea, and (3) British Guiana as countries in which further investigation as to the successful operation of a colonisation scheme might advantageously be made. Let us go to all these countries.

British Guiana has an area of 89,400 square miles and its population in 1931 was 313,619 persons, the density being 3½ persons per square mile. It is, as the House knows, on the shores of the South American Continent and the great majority of the people within British Guiana are settled in the coastal belt in the ten miles, the interior of the country being in a primitive state.

According to the Committee itself the country has

"a bad record in the matter of health" and they recognise that before "any settlement on the unoccupied coasts or in the interior can be effected, it will be necessary as an initial step to take measures to institute adequate facilities and sanitary control and in the coastal belt to provide a supply of pure drinking water. No settlement in the coastal belt can be made until the land has been previously prepared for cultivation, for drainage, empoldering and irrigation, measures which from their nature would in the ordinary course lead to more healthy conditions".

The House is no doubt aware that in 1922 a deputation of the Government of India visited British Guiana and both the minority and the majority agree in this that they both find that British Guiana has a bad record in regard to sanitary conditions even for a tropical country, that the incidence of disease is high there and that the death rate too is high. Mr. Kealinge, in his report, further points out that the arrangements for domestic water supply and sanitation in the towns and villages and on the estates as late as 1922 were primitive and unsatisfactory and a constant menace to the health of the community. The colony has been hit hard by the economic depression and the

stagnation in sugar and rice industries, coupled with the depression, has created a good deal of unemployment as well as these.

The second country suggested is New Guinea in the East Indian Archipelago. The indigenous people of New Guinea have remained in a state of semi-savagery. New Guinea has an area of 320,000 square miles. Australia rules over one-half of the island and the other half is subject to Holland. The British portion of the island comprises the original British territory of Papua and the former territory of German New Guinea now mandated to the Australian Commonwealth. Apart from the existence of unhealthy and devitalising conditions in isolated village communities, the country is out of the question for the Committee itself points out that the Australian Government which has the mandate over the British portion is following a policy of exclusion of Asiatics. What chance is there of our being able to influence the Australian Government to change its policy? And surely the Indian Government can have no control over a territory under the mandate of another Dominion and the Committee themselves quote from Sir Herbert Murray, the Governor of Papua, and those quotations speak for themselves:

"It is not likely that Australia, which had taken over the territory for strategic reasons, would immediately proceed to fill it with aliens, nor is it probable that supporters of the White Australia policy would welcome the congregation of a large number of Asiatics, even though they might be British subjects, within so short a distance of the Australian coast".

In another chapter of the same book he remarks:

"There is no doubt, and I do not suppose there has ever been any doubt, that one could develop the territory much more rapidly, and much more completely, if coloured labour were freely admitted. We fully realise this, but we have, nevertheless, decided to sacrifice the present for the future, and to exclude alien labour, and the Commonwealth has agreed. We see that even with compulsory repatriation a considerable number of aliens would remain and would cause a race problem in the future; and in addition, there is the objection, which appears to me conclusive, though officially it concerns me less directly, arising from the proximity of Australia, and the danger of immigrants crossing the comparatively few miles of intervening ocean. The principle of Asiatic exclusion is said to be narrow, and so it is, if patriotism and self-preservation are narrow! The principle is doubtless a heavy handicap in the development of a new country, but we have shouldered it deliberately and we will carry it to the end!"

The same policy which prevails in Papua is now operating in the Mandated Territory, which in terms of the Mandate is administered under Australian laws as an integral portion of Australian territory. The Committee are themselves

"forced to recognise that these territories cannot under existing circumstances be considered in connection with any scheme of Indian colonisation. It is, however, quite within the bounds of possibility that future political developments in the Far East and in the Pacific may lead to a change in the policy of the Commonwealth Government with regard to the exclusion of Asiatics from New Guinea, and with such a change it is not inconceivable that the establishment of a strong Indian colony in New Guinea might be welcomed. Your Committee, therefore, desires to direct the attention of the Joint Commissioners to this possibility".

The country which has really impressed their imagination as suitable for Indian colonisation is British North Borneo, the land of the savage head hunters and fishermen. The country is governed today by the British North Borneo

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Chartered Company which has as its quarters London. The share capital of the Company is £2,000, and over, and the £1 shares of the Company are quoted today on the Stock Exchange at 3*s*. 6*d*. The Chartered Company has failed to pay a dividend for some years and the Company has expressed a desire that the administration of the territory should be taken over either by the Raja of Sarawak or the Crown. The Committee therefore think that the Directors of the British North Borneo Company would be prepared to negotiate in regard to the transfer of the Sovereignty as a preliminary to the colonisation and development of the country by Indians. It has an area of 290,000 square miles; the area of the British Proletariat is 31,000 square miles; the country is unhealthy and malarious and there is tropical heat and copious rainfall. Population in 1932 was 32,272,287; density 8·71.

I will ask the House to remember that 8 per cent. of the South African Indians are colonial born. They are used to a certain climate and a certain standard of life. The Committee has nowhere stated what steps the Government of the Union will take to protect the interests of these South African-born Indians, should they desire to go to any one of these countries. Are they prepared to provide these intending emigrants with initial capital? Are they, as Mr. Sastri has persistently asked, prepared to step in at every stage to solve their difficulties and relieve their sufferings by advice, exercise of diplomatic influence and other such steps. The fact is that the Union Government looks upon the Indian as an undesirable element to be eliminated from the Union as quickly as possible and it is this viewpoint that colours and indeed dominates the report.

The view is often put forward that India with her alarmingly growing population needs colonies for her overflow population now. There are certain basic facts about Indian life which would be well for us not to overlook or ignore. The Indians are lacking in the migratory instinct; they are temperamentally a "stay at home" people; the Indian worker here has no standard of living and the hard struggle for existence which he has to face kills the spirit of enterprise in him and tends to produce a hopelessness of outlook symbolised by such expressions as *karma* or *kismet*. It is, in my humble judgment, all moonshine to imagine that the economic problems presented by India's growing population will be or can be solved by a policy of emigration. I do not say that there is no case for seeking an outlet for our expanding population, but I do wish to emphasise this that it is possible to overestimate the value of colonisation as a means of solving India's economic problem, and that that problem for its solution required more planned effort at industrial and economic development than colonisation.

Let me now proceed to another part of my argument. Is there any necessity for colonisation in South Africa which is itself a young country with a population which it can well support? The Committee has not shown that there is any congestion in South Africa or that the Indian population, provided the White South Africa policy is modified, cannot get adequate employment in South Africa itself. Unemployment is a problem not peculiar to South Africa and yet of the four provinces of which the Union is composed, Natal has

the largest Indian population. The Indian population there, according to a rough estimate, was 163,400 as against 177,449 Europeans in Natal. In the Transvaal the Indian population number only 15,500 as against 696,120 Europeans. In the Cape we have only 6,500 Indians and the Orange Free State has only 100. Now it is urged by the Committee that the avenues of Indian employment are gradually closing and that

"economic pressure which is now throwing the Indian more and more on his own resources would sooner or later compel him to seek fresh avenues of occupation either in Natal or *elsewhere*".

Now, the plain truth of the matter is that the avenues are closing because of the White South Africa policy. The Committee themselves admit that the white labour policy is a factor or as we should say the principal factor against the Indian settler. But despite all this economic distress to which the South African Indian is subject, he has no desire to leave South Africa (see the evidence of Mr. Young) and the Committee state that both the South African Indian Congress and the Colonial-born Settlers Indian Association of Natal have expressed their determination to oppose any scheme of colonisation for South African Indians. The South African Indians feel that with their western standards and the process in this respect has gone far—they will find it hard to fit into the communal life of Indian colonists from India. The Committee are unable to indicate what proportion of Indians will be willing to take part or participate in a scheme of this character. This was a point emphasized by the Agent, Sir Maharaj Singh, and it is admitted by the Committee. Such evidence as there is indicates that Indians will not be willing to take part in such a scheme. There is therefore no evidence that South African Indians would be ready to join any scheme of colonisation. There is no demand for such a scheme on their part. Indeed, the feeling, as the Committee itself recognises, is against colonisation among South African Indians both because the restrictions to which they are subject induce them to remain in South Africa and fight those restrictions and the feeling that with their western standards they will find it hard to fit into the communal life of Indian colonists. The authoritative organs of South African opinion have expressed their emphatic protest against schemes of colonisation and in the case of one of the countries suggested by the Committee, namely, British Guiana, the Committee itself say that

"there is a steady prejudice among South African Indians".

We are entitled then to ask, who wants colonisation? The South African Indians who must be supposed to understand their interests do not want it.

THE HONOURABLE THE PRESIDENT: Will the Honourable Member now close his remarks?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Two minutes more, Sir.

The Government of India does not—I am speaking subject to correction by the Leader of the House and on the authority of the Agent to the Government of India—want it. The fact is that it is the European settlers who want it. They want to get rid of the Indian. They had use for him once. They have

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no use for him now. Well, I say this is not playing the game, and we have to state clearly that we can not agree to the proposition that the South African Indian should have no lot or part in South African life.

I have endeavoured to show to the House that the recommendations of the Committee offer no solution of the Indian problem because their basic assumption is that Indians are an alien element who must be somehow made to leave South Africa. We here in this country can not accept that proposition for a moment. The position which the Union Government must face frankly is that both assisted emigration and colonisation outside India are now out of the question. The possibilities of assisted emigration are exhausted, and colonisation, as I have shown, is impracticable. They have no fear of any further immigration from India. We accepted the principle in 1918 that the several parts of the British Commonwealth have a right to control the composition of their population and I am not raising any question as to that. South Africa has no danger of annihilation by hordes of Indians. There is no question of fresh immigration to South Africa. But surely those who have helped to make the South Africa of today, those who are colonial-born, those who have helped to build up South Africa—they have a right to a fair deal? The Union Government should be urged to recognise these Indians as a permanent part of their population and do what it can to promote their welfare so that they might become, what we all desire them to become, good South Africans. And when they do become good South Africans our interest in them will cease except perhaps culturally. But until such time as South Africa refuses to recognise its duty in this respect, it is necessary that our Government should in regard to this matter at least act as a national Government. The task begun in 1929 has to be completed and while some progress has been made since that day in the matter of provision of educational and other facilities much more remains to be done. Acts and Ordinances have been passed—I am referring to the Transvaal Asiatic Land Tenure Act and the Transvaal Licences (Control) Ordinance of 1931—which violate the spirit of the Cape Town Agreement of 1927. The Union Government constitutionally is in a much stronger position in dealing with its provinces than the Federal Governments of Australia or even for the matter of that Canada and surely these Provincial Councils which have but limited power should not be allowed by the Union Government to go against either the letter or spirit of a declaration solemnly made by them in 1927. I hope the Leader of the House will take a firm line in regard to the issues raised by the enquiry under discussion and do all he can to urge the Union Government to implement in letter and spirit their undertaking of 1927.

Sir, with these words, I move the Resolution.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council reassembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT: The debate on Mr. Sapru's Resolution will now be resumed.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move:

"That before the words 'to take adequate steps' the following words be inserted, namely:

'to appoint another committee with adequate representation of the Indians and'."

Sir, I would not have moved this amendment but for the fact that from the speech of the Minister of the Interior of the Union Government of South Africa when appointing this Committee I find that this Committee, which had absolutely no representation for India was a departmental committee and was appointed with the approval of the Government of India. When appointing this Committee (on page 21) he said:

"It is further proposed that when the Committee has completed its work, the conclusions arrived at by it should be transmitted to the Government of India with a view to their collation with such proposals as that Government may decide to make, as a basis of the work of the Commission to be appointed jointly to conduct the final investigation, in terms of the Report of the 1932 Round Table Conference. These proposals have been discussed with the Government of India, and I am glad to say that it has expressed its concurrence therewith".

So, Sir, when the Government of the Union of South Africa was going to appoint this departmental committee it took the approval of the Government of India as shown by his speech. Sir, the object as I take it for appointing this departmental committee was that they may place facts and figures as may be best suited to them. This has been very eloquently expressed by the mover of the Resolution and I do not want to repeat his arguments. Sir, the findings of the Committee has been set forth on page 19 and run as follows:

"It appears to your Committee that (1) British North Borneo, (2) British New Guinea, and (3) British Guiana, are countries in which further investigation as to the successful operation of a colonisation scheme might advantageously be made, and your Committee, therefore, recommends that the attention of the Joint Commissioners should be directed to those countries in the order mentioned".

Sir, later on they have excluded British New Guinea and have confined themselves to British North Borneo and British Guiana. They have also appended a note about these portions of the country from which we find that these tracts are full of forest, mountains and valleys, and their climate are unsuited to the Indians living in South Africa. This fact was also brought to the notice of the Committee in his evidence by Sir Maharaj Singh, the Agent to the Governor General. He has further explicitly said that these places are impracticable and should not be accepted for the removal of the surplus population of the Indians in South Africa. So, Sir, what we want is that according to the spirit and letter of the Cape Town Agreement, 1932, a Joint Committee of Indians and representatives of the Government of the Union of South Africa should be appointed who may go through the question afresh without taking into consideration the recommendations of this Report, without having as any basis for their consideration what has been reported by this Committee and as settled in that Agreement they may try to obtain all the privileges for the South African Indians.

With these words, Sir, I support the Resolution as amended by me.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That before the words 'to take adequate steps' the following words be inserted, namely:

'to appoint another committee with adequate representation of the Indians and'."

The debate will now proceed simultaneously on the original Resolution as well as on the amendment.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to support the Resolution——

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: As amended?

THE HONOURABLE THE PRESIDENT: It is not amended yet.

THE HONOURABLE MR. HOSSAIN IMAM: I will say afterwards whether I support the Resolution or the amendment. The position at present is that this Resolution has been brought forward with the specific object of concentrating attention on the fact that the panacea suggested by the Committee is not applicable to South African Indians. As far as that issue is concerned we are all agreed that this is not a cure for the troubles of Indians. The duty of the South African Government is firstly to give to the Indians the position which they deserve as members of the British Commonwealth of Nations. It is only as a subsidiary point that the question of a colony for South African-born Indians arise. From the Report of the Committee I find that 182,280 persons were born in South Africa from Indian settlers. Out of this, Sir, about 38,000 are dead which leaves us with something like 144,000 Indians and the population in South Africa at the present moment of Indians, is only 147,516. So we find that the actual population in South Africa is almost the same as that of those who were born there, although a number of them have gone back to India. Their number, according to their own figures, is about 38,000 all told. The idea of having a colony which my Honourable colleague objected to of treatment of Indians in South Africa is that it is not the right way of solving the question. We think, Sir, that it is shelving the question to build it up on the basis of a colony. The Government of India should take steps, and the South African Government should not get rid of the persons whom they regard as undesirable. Secondly, Sir, I quite agree with my Honourable colleague Mr. Mehrotra that if the spirit of the Agreement of 1932 is to be kept up, the Commission that is sent ought to consist of representatives of the Government of India as well. We never contemplated a one-sided enquiry into this question and we are not bound by its Report.

With these words, Sir, I support the amendment.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, with your permission, may I first congratulate the Honourable the mover of this Resolution, Mr. Sapru, on his able speech which was in every way an excellent speech, if I may say so. (Applause.) It showed that he had studied this difficult problem with some care and that although this is a problem the study of which cannot help exciting certain strong feelings in the mind of every Indian who studies it, still he has

given expression to his views in language which was dignified and sober and restrained. It is such language that helps the cause and does not weaken it.

As to the Resolution itself, Sir, Government's position is this. We have received the Report but it is not a Report of the Committee contemplated in the Agreement of 1932. That Committee was to consist of representatives of the Union Government as well as of the Government of India. This is merely a departmental report, prepared for the use of the Committee contemplated by the Union Government, in case the Union Government desire that the Committee be appointed. In case that contingency arises, Honourable Members may rest assured that it will be our desire to place those people on the Committee who are in every way fit to discharge the onerous duties which the difficult subject will involve. What is the view of the Government of India on this Report? The reply to this question is that the Government of India has not yet formulated its views on the Report. The Government of India is waiting to see all the expressions of public opinion, not only in India but also in South Africa, on the Report. We have got a mass of opinion expressed in India. We have had the benefit of advice from those Indians who have studied this question for long and who can speak on the subject with considerable authority. We have seen comments in the South African Press on this Report. But we are waiting to see whether there are any more expressions of opinion before we formulate our views. In any case, those who have dealt with the subject for any length of time realise that it is one of those subjects which are most difficult to deal with and a few weeks' delay this way or that does not really make any difference. It is true, as I have said, that the Government of India has formed no opinion as to the merits of this Report. But it is obvious that if the views contained in this Report are to be adopted, it will be extremely difficult to start the scheme even if the Government were convinced of its feasibility. Our resources are very, very limited. We all know that South Africa is blessed with many gold mines, but apparently they have many uses for those gold mines other than supporting colonisation for Indians. However, that is only a passing reflection. I can assure the House that such expressions of opinion as I am fortunate to get during the course of this debate will be most carefully studied by me and by my Department with a view to derive the utmost help that we can from them in formulating our views. More than that I cannot say.

As regards the amendment, of course as far as the terms of the Agreement of 1932 are concerned, such a Committee is provided for and if there is to be such a Committee, it also lays down expressly that it will have representatives of the Indian Government on it. Therefore, I can say that to that extent the amendment is in order and good but I cannot say that the sentiments expressed by the mover of this Resolution are at one with the sentiments expressed by the mover of the amendment. One would like that that the Committee business should not be conducted any further, as it is not likely to give any good results. The mover of the amendment thinks that we had better go on to the bitter end and see what further help the Committee may be able to afford. There is considerable force in both the positions and I am mentioning the distinction between the two in order to make it clear that there is a distinction.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

3-5 P. M.

One point more, Sir, and I am done. It is that efforts should be made to improve the conditions of Indians in South Africa. That is a subject on which I am glad to be able to say, and I trust the House will agree with me, that Government's policy has been entirely what may be called a national policy. There has been no difference of opinion between public opinion and the Government of India's opinion. Further, when we have sent delegations to South Africa, we have been very much impressed by the desire of quite a large number of Members of the Union Government to help the Indians as far as possible. You may ask, if so, why has so little been achieved by the Government of India's efforts and by the efforts of the Union Government's Ministers? It is a very legitimate question to put to me, but from what I say to you you will realise that the reply is quite simple. The position of the Union Government is, "We are a responsible Government; can we go against public opinion in our country"? That is one statement. The second statement is, "Much to our regret public opinion in our country, that is, in the Union of South Africa, is not what it ought to be; it is narrow; it is from the Indian point of view selfish; we want to educate that public opinion; we want them to rise above that narrowness and selfishness so that they may take their stand on a higher level and mete out much better treatment to Indians than at present they get." But they say, "You must help us in achieving that object". I ask them, how? They say, in two ways. The first is that now and then your men should come to our country, meet people here, deliver lectures and educate them in this matter. And they have assured me that the effect produced by the visits of men like the Right Honourable Srinivasa Sastri, Mrs. Sarojini Naidu, Sir Kurma Reddi, and those people who were good enough to accompany me on the delegation or accompany my predecessor when he went on delegation, has been immense. Every week I am in receipt of letters from our Agent saying what a tremendous effect so far as social life is concerned has been produced during the last four or five years. I am mentioning this not to show you that anything substantial has been achieved. Nothing of the kind. Nobody is more conscious than myself of the very little that is to our credit. But, at the same time, I cannot conceal from myself nor from you the difficulties of the position. I tell them, on the other hand, "Well, I realise your difficulties, but just as your people are selfish and look at the thing from their point of view, my people are also looking at this problem from their point of view; they find your excuse altogether inadequate; they think that the matter is so simple that with your influence over your people you should have been able long before now, not to give to the Indians all that they desire and deserve, but at all events a much greater measure of advance than has fallen to them." Well, there we stand. They have their point of view; I have my point of view. We are, well, not at one. The effort to improve the position must continue. There is hope that civilised world opinion will one day be mobilised to overcome these racial prejudices, these narrow-minded selfish desires. We ourselves are faced with much the same spirit. We have seen how when one province or another is better situated in some particular than others, it is unwilling to share its good things with the rest of India. You cannot expect other people to be ready to be

self-sacrificing. Still, as I say, it is work as a constructive line which must be carried on with perseverance and vigour and I assure you that the Government of India is as anxious as it has ever been to pursue that struggle in the best interests of Indians overseas. (Applause.)

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, the Honourable Mr. Mehrotra's amendment would in fact negative my Resolution. I wish to make it quite clear that I do not want another Committee to be appointed. There is no case really for any further enquiry. The preliminary enquiry shows that the colonisation scheme suggested by the preliminary enquiry is an impossible scheme and that, at any rate, in the present financial circumstances, we cannot finance a scheme of that character. Now, Mr. Mehrotra's point is that under the Agreement we are bound to appoint a Joint Commission. Well, the answer to that is that it was for the Union Government under that Agreement to take the initiative in this matter. Why should we at this stage raise any question as to any Commission? If the Union Government wishes the matter to be pursued further, if the Union Government wishes a further enquiry to be made, then it is for the Union Government to take the initiative and ask us to consider the desirability of our associating ourselves with them. I do not wish our Government to go back upon the Cape Town Agreement. I do want the Union Government to stick to that Agreement and I would have my Government also stick to that Agreement. But it is under that Agreement for the Union Government to take the initiative and, therefore, we should not at this stage raise any question as regards the Joint Commission.

Sir, I am very grateful to the distinguished Leader of the House for the very kindly reference that he has made about me and I thank him for it. He had stated that the Government of India has not formed any final views as regards the merits of this Report, but he has also indicated, as any careful listener can discover, that it will be extremely difficult for the Government of India to launch upon a scheme of this character. He has also indicated that our resources are limited and that his sympathies really are with this Resolution. He has said that the Government of India, so far as the question of Indians abroad is concerned has, in the past, acted as a national Government. Well, that is true to a certain extent. There have been occasions when the Government of India has been overruled by Whitehall, but I do not think that we can legitimately blame the Government of India for anything that Whitehall does in regard to this matter. He has also pointed out that public opinion in South Africa is not what it ought to be. Ministers who have to serve under a system of responsible Government cannot go further than they are allowed by public opinion. But the point is: Are the Ministers there guiding public opinion in this matter in the right manner? No doubt, they can be helped by deputations from India. Mr. Sastri, Mrs. Sarojini Naidu, Sir Kurma Reddi, the Honourable the Leader of the House, Mr. Bajpai, Sir Darcy Lindsay, the gentlemen who have visited South Africa on our behalf have all rendered distinguished services and it may be that if some more distinguished men are asked to go there our relations will improve. The Dominion statesmen should try to appreciate our point of view also, and this is all that I wish to say in regard to this aspect of the matter.

[Pandit Prakash Narain Sapru.]

Sir, I have nothing further to say. I do not think in view of the line that I have taken in my Resolution that I would be justified in accepting the amendment proposed by my Honourable friend Mr. Mehrotra.

THE HONOURABLE THE PRESIDENT: May I ask in view of what the Honourable Leader has said you propose to press your Resolution to a vote?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, I do not propose to press it to a vote. I should like the report of the proceedings to be communicated to His Majesty's Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Yes, of course.

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

THE HONOURABLE THE PRESIDENT: Therefore the amendment necessarily falls through.

Mr. Sapru has got another Resolution.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: That was an alternative.

THE HONOURABLE THE PRESIDENT: In any case you could not move two Resolutions on one and the same day.

RESOLUTION *RE* INDIANS IN BURMA.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I move the Resolution which stands in my name and which runs as follows:

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government to secure to the Indians in Burma in the future constitution of Burma adequate safeguards on the lines recommended by Mr. Harper, the European representative, and the Indian delegates from Burma who sat with the Joint Select Committee and to secure to the Indians in Burma the rights of citizenship and the rights to carry on trade, profession or occupation on the same footing as are enjoyed by any other British subject."

Sir, I may be excused if I digress a bit and let the Council know the extent of the interest which Indians have in Burma. The Indian population in Burma is roughly 1¼ millions out of a total population of 14 millions. In other words, the Indian population is roughly 9 per cent. of the total population. Indians have been mostly responsible for the development of the resources of Burma and agricultural Burma today owes its present state mainly to Indian enterprise, to Indian labour and to Indian capital; and apart from the vested interests which Indians have in the country in the shape of lands and buildings, which run into tens of crores of rupees, Indians have built up trade and industry no doubt with the help rendered by the European commercial community, which makes their position second in importance to none of the communities in India. In agricultural landed interests, in matters of industry and trade, Indians occupy a very prominent place and the position of Burma as a part of India for such a long time has enabled Indians also to build up not only their own prosperity but the prosperity of Burma. In these circumstances my Resolution requests the support of the House in my claim to see that Indian interests in Burma in future do not suffer.

I may shortly refer to the safeguards which are intended to be given in the future constitution of Burma. There is a general safeguard in matters of residence, carrying on any trade, profession or occupation and a right to employ servants or agents in Burma. That is a general safeguard and it is proposed to have a statutory restriction on the powers of the Legislature to enact laws to discriminate on the ground of caste, race, religion, descent, or place of birth. That is a general safeguard which is sought to be made applicable in the case of British subjects. Now there is another safeguard which is proposed in the case of subjects of the United Kingdom and that safeguard is for free right of entry into Burma, free right to hold property and the safeguard against any discrimination as regards taxation, residence, travel, carrying on trade or engaging servants or agents. But this safeguard which applies only to United Kingdom British subjects is not intended to be applied in the case of Indians. Three reasons are given by the Secretary of State for making this distinction. The reasons are that there is a fairly large portion of the population of Burma which consists of labourers, agricultural and industrial labourers, who do not make Burma their home but who go and stay there a number of years and then come back to India and then they go to Burma and back like that. The Burman, it is suggested is ousted from wage-earning by the Indian lowering the standard of wage and it is regarded as an imperative necessity to raise the standard of living in Burma. It is not necessary to refute this allegation for the purpose of this Resolution and I would be quite content if a power which is sought to restrict only labour immigration is sought to be given to the Burma Legislature. If the Burma Legislature is allowed to make laws to restrict the immigration and emigration of labour or to impose conditions for the purpose there cannot be much objection. Taking this as an excuse what the Secretary of State proposes in his memorandum is that in the case of Indians a power is to be given to the Burma Legislature in the future constitution to impose restrictions or to impose conditions on the right of free entry and other rights of Indians in general, not only in the case of labourers but in the case of middle and upper class people as well. That is the first distinction sought to be made and I have given the reason for it. The second restriction which the Secretary of State proposes to allow the Burma Legislature to enact is this. It is said that the Indian money-lenders have been operating on so vast a scale that a large portion of the property, paddy lands, have come into the hands of these money-lenders. This is not quite accurate but it is not necessary for me to refute the allegation at present. Assuming it to be true, the position is this. The Secretary of State proposes to allow the future Burma Legislature to enact laws to prevent lands passing from agriculturists to non agriculturists. Well, agriculturists have been defined in certain enactments as persons who are connected with or who are directly or indirectly employed in agriculture. Mr. Harper in his memorandum points out that the Burma paddy crop has been for many years financed by the Indian money-lenders and it is very difficult to say that the Indian money-lenders who are mainly responsible for the paddy crop are not directly or indirectly engaged in agriculture. Well, that being the case and agriculture deriving its sustenance from these people who cannot all be described as money-lenders because they are really financing the paddy crop, the power that is proposed to be vested in the Legislature to make land alienation laws which will prevent lands from passing from the indigenous agriculturists to the Indian non-agriculturists—in the first place the remedy

[Mr. P. C. D. Chari.]

proposed is not likely to be effective, and in the second place the value of the lands are likely to fall when a restriction is imposed on alienation and the Council may be aware that several crores of rupees have been loaned out by the Indians to their agriculturists in Burma—Rs. 80 crores from the Madras Presidency alone—and the only security which the Indian has for this large loan to the agriculturist is in the shape of lands. And owing to the depression the Indians lost most of the securities as the land has considerably depreciated in value, and there is no prospect of their recovering even half of what they have invested. Under present conditions that is the case. If any restriction is imposed on alienation of land there would be hardly any chance for the Indians to recover any money which they have invested in Burma. That is the second restriction that is sought to be imposed. I make a claim on behalf of the Indians that they should not be treated differently from British subjects from the United Kingdom. In fact, Burma owes its prosperity largely to Indian enterprise and today Burma is a part of India and we have been enjoying the privileges and the rights of free entry. If the rights of the Burman labourer are to be safeguarded there are several ways in which it can be done besides preventing any immigration of labour from India. Why make an invidious distinction and allow the Burma Legislature to make discriminative laws against the entry of Indians. I must take this opportunity of thanking Mr. Harper, the representative of the European community in particular and of the European commercial community in general, for the great interest they have taken and for fighting our cause in pointing out this invidious distinction. At page 76 of his memorandum Mr. Harper says :

" While I agree that it is not reasonable to compel Burma to accord treatment to a part of the British Empire which does not accord that same treatment to Burmans, it is not clear why those countries in the British Empire which do not discriminate against Burma should be treated on parallel lines with countries which do, rather than with the United Kingdom which does not ".

This principle is based on reciprocity as between British subjects. On the same basis of reciprocity I ask why should not the same privilege be given to Indians ? In raising this point, I am not only fighting for the rights of Indians in Burma but for the rights of Indians in India as well. I want to make that clear because if at the outset we are denied this right of free entry serious consequences are likely to ensue. As the Indian delegates have pointed out in their memorandum, the Indians, although they have been settled in Burma for a long time, have got their business and family connections in India. They have to come at longer or shorter intervals to India and if this principle of discrimination is enforced there is a possibility of its being enforced against people who are really Indians living in Burma or the children of those people who might have come to India in connection with their family affairs or their business interests. The hardship which these people would be subjected to can be easily realised. Then take another instance. It is well known that several Indian communities in Burma go to India for the purpose of marriage. In the case of a person domiciled in Burma, who marries in India, if this right of free entry is denied, you can easily imagine the husband or the wife would be effectively prevented from joining the wife or the husband in Burma. I can multiply instances to impress upon you the necessity of our doing all we can to see that this discriminatory

power is not given to the Burma Legislature. And we are all aware that there is a certain section and particularly one party which is anti-Indian and we find from the memorandum submitted on behalf of some of these parties by the Burma Members after this proposal was submitted to the Select Committee that they are very anxious to have these powers. They are very anxious to have some way of discriminating against Indians of all classes though the reason given would apply only in the case of Indian labourers. And then there are certain remedies proposed. There are other discriminations that are contemplated. For instance, I have given the instance of the power of the future Burmese Legislature to enact laws restricting land alienation. That is one thing. Then one other power is sought to be given to the Burma Legislature which would work a great hardship on Indians. It is provided that in times of emergency with the previous consent of the Governor the Legislature would have the power to enact laws which under ordinary circumstances would be invalid as being discriminatory against particular persons. There is no legislative provision that the Governor in exercising his special responsibilities will see that in withholding the previous sanction this power of the Burma Legislature of discrimination would be nullified. Our fear is that it is quite conceivable that the Governor, under political pressure or under threat of violence on a large scale as in the case of the Burma rebellion, may be inclined to give previous assent if the power is given as proposed. Mr. Harper also points out that it should be made quite clear in the Statute itself that this power of previous assent to discriminatory legislation should be of an emergency character for a short period only and that it should be specifically stated like that in the Statute itself. If this is not possible, it should be made specifically clear in the Instrument of Instructions to be given to the Governor. The circumstances under which, and the cases in which, assent may be given should be made clear and it should also be made clear that the discriminatory legislation should be in operation only for a few months or for a short period. Apart from the removal of distinction which is sought to be made in the case of Indians, which is unfair and iniquitous, between the United Kingdom British subjects and Indian British subjects, the Indian delegates have asked for certain reasonable safeguards. The first is to secure to the Indians domiciled in Burma—they are not asking for Indians in general—they apprehend and I believe the apprehension is quite justified from the way in which Indians are being kept out from public appointments—proper share of the public services and for safeguards to ensure the domiciled Indians securing a place in the public appointments ; they want one of the Members of the Public Service Commission to be appointed from the minority communities. That is one of the safeguards which the Indian delegates wanted. Now, in Burma, even when it is part of India, we find it very difficult to have our vernacular education recognised, and even if recognised, it is very difficult to get the necessary sanction with the requisite number of teachers for getting proper grants. In the future Constitution, unless there is a specific provision made on the lines recommended in Proposal No. 85 at the end of the first Round Table Conference, we are afraid that our vernacular education is bound to suffer. Vernacular education is quite necessary for us because there may be occasions, and very frequent occasions, for Indians in Burma being sent out for education in India and we are anxious that the Indians in Burma should have their own culture and their own vernacular.

[Mr. P. C. D. Chari.]

For this purpose we want a provision like the one proposed in Article 85 of the Recommendations at the first Round Table Conference :

"It is agreed that the Act should provide that there should be no discrimination whether legislative or administrative, against any existing commercial interests".

The minorities should be assured :

"an equitable share in the employment and application of the sums which may be provided from funds under the State or other budget for educational, religious and charitable purposes".

We want that Indian education should be made one of the special responsibilities of the Governor. These are the elementary privileges which we are claiming as people who have built up Burma. It is not only in the interests of the Indians in Burma but also in the interests of the Indians in India that I am seeking your support. A weighty pronouncement by the Council of State in the form of a Resolution like this would help us in securing the safeguards which we want and which we regard as vital for our life as a community in Burma. I appeal to the Government to support me in having this Resolution passed. I am aware that the Leader of the House may tell me that the discussions will be forwarded to the proper quarters for consideration. But what I want is that the Select Committee before it frames its report should have the considered opinion of this House that there ought to be no distinction made between British subjects from the United Kingdom and British subjects from India. It is not too late. The proposals have been before the Select Committee and memoranda have been submitted by various delegates, and the Select Committee is still considering its report, and it is not too late to send in a Resolution like this for the consideration of His Majesty's Government. The Resolution, if passed, will carry very great weight with the Select Committee in time to prevent the mischief of discriminatory legislation being allowed to Burma, and it will also prevent a good deal of mischief which would otherwise result to the Indian community. We regard it as of vital importance to our very existence in Burma.

With these words, Sir, I commend this Resolution to the acceptance of the House.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce) : Sir, the desire underlying this Resolution must be one with which all Honourable Members have the fullest sympathy and I am sure His Majesty's Government as well as the Government of India will do everything to safeguard Indian interests in Burma under the new constitution. It seems to me however that the extent of success that is achieved in this direction must largely lie with Indians and Burmans themselves and not with the respective Governments and mutual good-will is what is required. On more than one occasion during the last session at Delhi I noticed that, both in this House and another place, statements were made as to what would be the correct attitude for the new constitution in India to take towards Burma if it was separated and some of the remarks indicated, in my opinion, a regrettable lack of the spirit of good-will. I may have been wrong but if not may I suggest that an opportunity is taken this session of a definite expression of mutual good-will and the desire for full

reciprocity. This would assist His Majesty's Government and the Government of India in protecting the interests of both Indians and Burmans.

I should like to add that it should be borne in mind that safeguards which might protect Indian interests might not be considered adequate for British industries in Burma which are largely in the form of fixed assets while Indian interests, excepting the present unfortunate position of the Chettis, are largely trading interests and liquid in nature.

With these few words, Sir, I support the Resolution.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I have great pleasure in supporting the Resolution brought up by the Honourable Mr. Chari. I think an expression of opinion at this juncture will be very timely, as the Joint Select Committee is probably just finishing their Report and any considered opinion from this House would be of great value. Burma has benefited from Indian emigration a great deal, and especially through the commercial community, known as the Chetti community. Sir, the Chetti community alone have invested about 80 crores of rupees in advancing money during the agricultural season and against mortgages of land. The advances made by them to agriculturists in Burma is mainly responsible for the advanced position of Burma agriculturally. Sir, it is essential for Burma that the interests of Indians should be safeguarded. It is the money-lenders' investments in land which is responsible for Burma's sound position, and if alienation is restricted, I think a large number of Chettis will become bankrupts, and also people who have settled there and have been living there for years will be sufferers. Therefore it is nothing but appropriate that the interests of Indians settled there and doing business there should not be affected.

With these few words, I have great pleasure in supporting the Resolution.

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official) : Sir, I rise to support the Resolution that has been moved by the Honourable Mr. Chari. He has explained the position at some length. This House is well aware that in Burma there has always existed a certain amount of prejudice against Indians, for reasons into which I do not think I need enter at this stage. That has unfortunately strengthened very considerably during the past four or five years, in other words, ever since Burma has had a reasonable expectation of separating from India. The case has been brought fully to the notice of the House by the Honourable Mr. Chari, but there is just one small point about which my mind is not quite free from doubt.

The Honourable Mr. Chari pointed out that it was quite in the air that after the new constitution came into force the Burma Legislative Council might put restrictions on the alienation of land. Now, Sir, that is a question which Honourable Members would remember is by no means peculiar to Burma. The question became of vital interest in Northern India more than 30 years ago, and legislation putting very considerable restrictions on the alienation of land had to be passed in the Punjab about 30 years or more ago. The result naturally has been that the value of land has gone down. Still those who were responsible for this policy thought that it led to the greatest good of the greatest number. In recent years agrarian legislation, which aims at putting

[Saiyid Raza Ali.]

considerable restrictions on the right of alienation has been introduced into a number of provinces. No less than five Bills have been introduced in the United Provinces Legislative Council and I believe similar legislation has been introduced in other Provincial Legislatures. What I would like this Honourable House to consider is this. Suppose the attitude taken up by the Burma Legislative Council is this :

" We have a number of agriculturists and a number of landlords and we do not want the lands to pass out of the hands of those agriculturists and landlords into the hands of non-agriculturists and non-landlords, whether they be Indians or Burmans ".

If the Burmese take up that line, I am afraid we in India have not got a very strong answer to make. If, however, the legislation savours of anything like discrimination, if it is aimed at Indians as such, we have every right to protest very strongly and our cause is so strong and just that I have not the least doubt that His Majesty's Government will put a check on the desire of Burmans to have vengeance on Indians. But if that element of discrimination is lacking, if the Burma Legislature wants to treat Indians and Burmans in exactly the same manner, the position is different. If A advances Rs. 5 to B and hypothecates property worth Rs. 10,000 it should certainly not be open to A to bring that property worth Rs. 10,000 to sale in execution of a decree the principal amount of which was only Rs. 5. That is exactly what has happened in India. It does not matter whether the man who has advanced the money is a Burman or Indian as long as he is a non-agriculturist. If the Burma Legislative Council want to treat both races on an equal footing, I do not think we have a very strong case to urge. But if there is any case of discrimination we have a strong case. I raised this point because it is very important. We in India do not realize that putting restrictions on the alienation of land subjects the community at large to any very great disadvantage. No doubt there is a class that is hit and that is the money-lending class ; but the majority of people do not carry on a money-lending business ; the majority unfortunately borrow. Therefore in India surely a very strong case has been made out for putting on such restrictions and legislation on these lines has been introduced in most local Councils. I do not see on what valid grounds we can oppose this policy of the future Burma Legislative Council. But I certainly would like to put this point before the Council and call attention to it. All that I want is that there should be no discrimination. We do not want Indians to be put in a position of special favour and privilege as against Burmans, and I do not think that is what the House wants.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : I just wish to say a few words about this Resolution before the House. Our Party is in entire agreement with the Honourable mover and we all wish that there should be an open door policy in Burma for Indians. But we wish to safeguard our position, that our approval of this Resolution should not be taken as giving our implied consent to the separation of Burma. We are opposed to that and we shall ever be opposed to that. But we are not so foolish as not to take notice of what is going to happen in the future. We might protest, but we know it will be ineffective, and therefore we are entering our protest, and stating what should be the exact order of things in the future Burman constitution. We are in entire agreement with the mover as far as rights and liberties of Indians are concerned. This is all I have to say.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, as has been very rightly pointed out by the Deputy Leader of the Opposition, the Resolution assumes separation of Burma. As a matter of fact His Majesty's Government have not arrived at any decision and the Secretary of State throughout his Memoranda that he has presented to the Joint Select Committee has consistently maintained the position that all this is contingent upon the recommendation of the Joint Select Committee that Burma shall be separated and confirmation of that recommendation by Parliament. Subject to that he has made certain proposals. As regards the subject-matter of the Resolution the Government of India naturally take the liveliest and keenest possible interest in the points raised in the Resolution. All the material that was available up till now was placed through the Secretary of State before the Joint Select Committee. I have not the slightest doubt that this matter has been threshed out by the Joint Select Committee and the Indian delegates who worked with the Joint Select Committee are aware of all the facts. What more can be done ? We shall be very glad if more light is thrown on the subject to communicate at once to the Secretary of State such additional light as is thrown on the subject. As the mover of the Resolution pointed out, I told him before coming to the House that I shall be glad to communicate the debate upon the Resolution to the Secretary of State, so that if he feels that there is time still for the Joint Select Committee to tackle this matter they may do so. We must not forget the fact that we are in August now, the Committee has arisen and will not meet till October and we are looking forward to see the Report in October. It would not do to say, " It is all right ". It may be or it may not be. Well, we may be in time, but it is not unlikely that we may not be in time. I would not conceal this fact from the House that the debate, the very important debate, perhaps is not in time ; I am afraid not. Great stress is laid on Mr. Harper's memorandum but I find from the literature on the subject that is at my disposal that Mr. Harper's memorandum has been very carefully considered by the Secretary of State and that in the papers that are before the Joint Select Committee Mr. Harper's memorandum has elicited a great deal of interest on account of the proposals contained therein. So I have been trying to find whether there is something more that can be done by the Government of India in this matter and I must confess that I have not yet succeeded in finding what it is that Government can do to promote the object with which the Council and those who have spoken in support of the Resolution sympathise. Is there anything else that we can do, Sir ? If so, we shall be glad to do it.

THE HONOURABLE THE PRESIDENT : It is four o'clock now and under the Standing Orders we must proceed with the discussion of the adjournment motion, but as I understand that Mr. Chari's Resolution is of very great importance and there are many other Members desirous of speaking on it, his Resolution will be resumed after the adjournment motion has been discussed.

[Mr. President.]

I must point out to Honourable Members that under Standing Order 23 no speech, including the mover's, is allowed to exceed 15 minutes on an adjournment motion.

MOTION FOR ADJOURNMENT.

PROPOSED REMOVAL OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I wish to move:

"That the Council do now adjourn".

I do so to discuss a matter of urgent public importance, namely, the proposed removal of the Imperial Institute of Agricultural Research from Pusa to Delhi. The calamity which befell Bihar is regarded as a national calamity by entire India. Sympathetic words were given to the people of Bihar, but to the Department of Education, Health and Lands it came as a godsend and it gave an opportunity to bring into effect their pet scheme which they were afraid of bringing forward in days of prosperity.

We are told, Sir, that the officers of the Imperial Services found life at Imperial Delhi to be something quite different from the life at Pusa. The attraction of Delhi was great and the social amenities of the capital were much better than that of Pusa. At the time of the Royal Commission on Agriculture, the proposal was placed by some interested persons that this Institute should be transferred from Pusa to somewhere near Delhi. The Commission which was decidedly not in favour of Pusa—it had put in a few words about its bad location—still could not support the idea that it should be shifted from its present site to a place near about Delhi and the Government's Memorandum No. 8150/34-A. candidly admits it. The Commission did not recommend its transfer after the expenditure of so much money on equipment and development. The only reply which the Department of Education, Health and Lands has given to us is that on account of the earthquake the buildings are estimated to require Rs. 7 lakhs to put them in repair. As far as the question of expense on repair goes, nobody can take exception but, Sir, there is a statement in the Memorandum to which we take very strong exception. It is this:

"The subterranean disturbances caused by the earthquake make it impossible to predict with certainty whether the new buildings would be safe against subsidence of site levels involving fresh expenditure on repairs or over new construction".

I thought all along, Sir, and I was told so in the Council that the Government of India is one indivisible unit, but I find that the Department of Commerce is going to spend not Rs. 7 lakhs, but something like Rs. 70 lakhs in that very area which is said to be unsafe and therefore not fit to build any buildings on. The Railway Department is going to spend lakhs and lakhs of rupees in buildings. Why this change of policy between the one and indivisible? And then, Sir, the original estimate is Rs. 7 lakhs which is before the House. The doubt that I had in my mind that it may be exaggerated, has been confirmed by a

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note sent to us last night by Sir Guthrie Russell. I refer to the Report of the Standing Finance Committee for Railways in which I find that the works in Jamalpur, which were estimated to cost Rs. 66 lakhs, have been brought down by the Chief Commissioner for Railways to Rs. 26 lakhs. That shows, Sir, that the original estimate was very exaggerated.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways): It is an entirely different scheme from the original one.

THE HONOURABLE MR. HOSSAIN IMAM: That is exactly my point. A new scheme has been devised to do the same work as the Rs. 66 lakhs scheme. If you had looked into it and devoted your time to see how you could save money, the Rs. 7 lakhs could have been very easily reduced to Rs. 2 or Rs. 3 lakhs. Now, Sir, the curious memorandum that has been placed before us says:

"Rather than sink more money on the existing site, the Government of India consider the moment opportune, when money is cheap, to correct the original mistake, and to construct from loan funds at a total capital cost not exceeding Rs. 36 lakhs the Institute at a more central and accessible site which is available within 12 miles of Delhi".

It fails to consider how Rs. 36 lakhs can be a smaller sum than Rs. 7 lakhs. Rs. 36 lakhs is being taken from loan funds. In the first place, Sir, this is rather an innovation. Up to now the system has been, Sir, that public utility works which do not give a return are financed from revenue heads and not from capital. With the exception of Imperial Delhi which has been constructed from loan funds, most of our public utility departments have been constructed from savings and revenue accounts. This time we are going out of that general rule simply because there is nothing available in the budget. The necessity was pressing according to the Department of Education, Health and Lands and money was not to be had. The Finance Member could not get Rs. 40 lakhs for nothing. So we had to fall back on the capital account. In estimating, Sir, the actual cost of the transfer the Government have not taken into account the interest which we would have to pay on the construction of this new Institute. That is a recurring charge with which we are going to saddle the finances of the Government of India and, Sir, I am very much afraid that, instead of leaving the thing on the plane of economics, people have tried to give it a colour of provincialism and if anybody is to blame, Sir, for this provincial bias I should say it is the three heads of this department concerned who belong to three provinces and look at the matter from a parochial rather than an all-India point of view.

Then, Sir, the statement has been made that one of the advantages of having the Institute near New Delhi is that research workers would come into contact with other experts. If, Sir, this is the reason for centralization, I hope, Sir, that they will abolish all the outlying stations. We have got an Institute at Bangalore, at Karnal, at Coimbatore, where research work is being done in certain subjects. Shall we shut down the doors of these research institutes because they are not central? Apparently, all the drawbacks of an unhealthy climate, insufficient rainfall and unproductive soil are as nothing to the advantage of a central position near the Imperial capital.

Now, Sir, we come to an interesting point. The Government said that on account of the transfer from one place to another the work will be so dis-

[Mr. Hossain Imam.]

located that for two years practically no work will be done. I will read the passage :

"The expenditure on account of the transport of personnel and equipment from Pusa to the new site will, it is estimated, cost Rs. 2½ lakhs during the period of the move, which it is anticipated will cover a period of two years. This expenditure will be offset by savings in the normal budget of the Institute, as its activities at Pusa during the move will be rapidly restricted as the final stage approaches. There will, therefore, be no extra expenditure on this account".

We are promised, Sir, that there will be no extra expenditure because of the transfer. But out of Rs. 9 lakhs of ordinary budget we will save Rs. 2¼ lakhs by curtailing its activities, so that for two years we will be spending Rs. 7½ lakhs without tangible results.

Added to all this, Sir, the fact must not be overlooked that in the period during which this Institute has been in existence it has done wonderful service. I do not think the department will say that this Institute has failed in its work or that it has lost anything by being located there. It has given to India many things which have added materially to its well-being and agricultural prosperity. I do not regard this as an opportune time, when Indian finances are in such a deplorable condition, for spending a pie more than necessary.

Sir, I move.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay : Nominated Non-Official) : Mr. President, I have heard with great interest the speech of the mover, Sir, who said he was not treating the question from a parochial point of view but all that I heard from him was nothing but insular considerations to retain the Institute of Agricultural Research at Pusa. I would request the Honourable Members of this House to take a detached view of the whole question and not look at it from the point of view of provincial benefits.

Sir, the first point that the Honourable mover urged against the removal of the Institute from Pusa to Delhi was the consideration of finance. He said that the buildings and the laboratory that have been completely ruined by the earthquake will require Rs. 7 lakhs more to rebuild, but if we move the Institute from Pusa to Delhi, it will cost nearly Rs. 36 lakhs. Then he urged another point. Why should the Government of India at this time spend the money out of capital and not out of the recurring revenues ? From the very little I know of finance, when you want to construct anything new, you require capital expenditure ; only for its maintenance you will resort to revenue. Taking for granted that Rs. 36 lakhs are required for building this Institute in Delhi, is it too large a sum of money ? The money is now very cheap. What will be the interest ? I do not think it will be over Rs. 1,20,000 a year on Rs. 36 lakhs. Is it worth while to spend that money for the purpose of having an Institute at Delhi where it will serve, as I will presently show, better results than at Pusa ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is that a productive work, may I ask ?

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH : Indirectly it is more productive than the productive works. Here experiments will be carried out which will benefit the whole of India which is considered an agricultural country. All the agriculturists will benefit by those experiments.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Are they not benefiting now ?

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH : I will give my Honourable friend an example of the experiments that are being carried on at Pusa. In my part of the country, namely, Sind, which is purely an agricultural province, Pusa is known by its wheat only. You ask any agriculturist in Sind, who is interested in scientific agriculture, he does not know where Pusa is situate. Pusa is only known for its wheat, Sir. It is owing to the inaccessibility of Pusa that officers of Provincial Governments do not go there. Universities are out of touch with it, and those agriculturists who are interested in scientific agriculture never care to go there. Again, Sir, may I ask my Honourable friend the mover of this Motion whether irrigated crops could be grown in Pusa ? I am asking him about cotton. He cannot grow cotton in Pusa.

THE HONOURABLE MR. HOSSAIN IMAM : Cotton is being looked after by the Central Cotton Committee which has got more finance, more expert opinion, and more centralised research than Pusa can ever have.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH : My point is, can you grow cotton in Pusa ? If you cannot grow it, how can you carry on experiments in cotton at Pusa ? My province is more agricultural and one of its main crops is cotton. Therefore, it is clear from the mover's reply to my question that he cannot grow cotton in Pusa. That clearly shows that Pusa is not a very ideal place for such an Institute where you cannot grow all sorts of crops. If you cannot grow all sorts of crops much less can you carry on experiments on those crops.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Can you grow jute at Delhi ?

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH : I think in Pusa also you cannot. Now, Sir, Pusa is inaccessible. That is one of the grounds why officers of the Provincial Governments as well as the agriculturists who are interested in scientific agriculture have not taken advantage of it. It is now proposed to remove it to Delhi. Delhi is known all over the world. The peasant in Bihar or Bengal knows Delhi and the Institute is going to be concentrated near Delhi, which is a very central place because of railway facilities and other facilities of communication. The greatest advantage will be that we will have this Institute at a central place where the Council of Agricultural Research is also situate. People attending any of the meetings of the Council of Agricultural Research will have an opportunity of going and seeing this Institute. Further, my friends from Bihar and Orissa and Bengal have no cause for complaint. All the research sub-stations are not going to be abolished. We have them in the Deccan, in Sind, and all over India. So, they may retain one at Pusa or in Bihar or somewhere near. The removal to a central place like Delhi will benefit the greatest number of agriculturists who can see the demonstrations and the work here.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Sir, India is an agricultural country and the great majority of its population live on agricultural resources. Sir, the House will agree with me when I say that 95 per cent. of its rural population are directly and indirectly living on the land and are called agriculturists.

THE HONOURABLE MR. BIJAY KUMAR BASU: 100 per cent.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: I think it is 95 per cent. If you read the *Gazetcer* of Sir John Strachie he says there 95 per cent.

Sir, the Government of India have, after careful consideration, come to the conclusion that it is in the interests of agricultural research in India to transfer the Central Research Institute from Pusa to the neighbourhood of Delhi. Sir, as Providence had ordained, the earthquake has done enormous damage in Bihar and Orissa and to the buildings in Pusa.

THE HONOURABLE MR. BIJAY KUMAR BASU: And great benefit for Delhi!

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: We cannot sit in judgment over Providence. It is estimated that it will take at least 10 years to rebuild the prosperous cities and towns of Bihar. Funds are necessary to repair these buildings, which is estimated at about Rs. 7 lakhs. Now, Government have come to the conclusion that it is best to spend Rs. 36 lakhs in building a new Research Institute in the neighbourhood of Delhi to develop the agricultural resources of this country. Research experts and agricultural experts support this removal to Delhi as the soil in its neighbourhood is best suited for scientific researches in agriculture.

(At this stage, several Honourable Members interrupted.)

THE HONOURABLE THE PRESIDENT: Order, order. Members will have a limited time and I would not like the Honourable Member to be interrupted.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Sir, I thank you.

Sir, the Central Research Institute is for the benefit of all the provinces in India and not for the province of my Honourable friend Mr. Hossain Imam alone. I am always with him when he is in the right but sentimental opinions are the result of a perverted mentality. The aims and objects of the Agricultural Research Institute is to do work for the benefit of the small peasantry landholders as well as for the benefit of rich landholders. Sir, I strongly support the move of the Agricultural Research Institute from Pusa to the neighbourhood of Delhi in the interest of the teeming agriculturists of the country.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, the main question to be considered is, which is the more suitable site of the two? My Honourable friend the mover of the Motion has hardly touched this point. He went on discussing the budgets and finances and economics of the country. But I would

beg to submit that first of all we must decide this point, as to which of the two sites is the more suitable. My friend has not given a single point in favour of Pusa. Well, there are so many authorities to show that Pusa is not suitable for such an all-India institution. (*An Honourable Member*: "Give us one instance?") I have the authority of the Royal Commission on Agriculture and others. We have to remember, Sir, that this is an Institute for the whole of India and not for any particular province. Leaving other aspects alone, this place Pusa is inaccessible to the people living in the major part of India. My Honourable friend, Rai Bahadur Lala Ram Saran Das, will bear me out that cotton is the most important autumn crop in northern India, and that is a crop which cannot be successfully grown at Pusa and no experiments can be made in connection with it. Then as regards expenditure, what is an expenditure of Rs. 27 lakhs as compared with the importance of agriculture to the whole of India. A major portion of India's population depends on agriculture, and I would call this expenditure of Rs. 27 lakhs a paltry sum. In these days money can be had at cheap rates. There is another point to which reference has been made. We know that the old buildings of Pusa came to grief during the earthquake and now we cannot deny that Pusa lies in a tract which is liable to earthquakes. Is there any justification for running a risk and investing large sums of money on building when there is grave danger of the buildings again coming to grief through earthquakes? Bihar and Orissa will not be left without some local small institution required for local necessities of research. They have already had some big grants from Government and they are conducting researches on sugar-cane, and I am sure if they want more money they will get it for a small institution sufficient for their requirements. There are such institutions in the different provinces.

Sir, there are climatic difficulties, there is the inaccessibility of the place, there is the risk of earthquakes, and there is the difficulty of carrying out experiments on the more important crops. For these reasons, Sir, I do not see any justification for a proposal to oppose the shifting of the Institute from Pusa to Delhi. My Honourable friend said something about the calamity with which Bihar and Orissa has met. We have every sympathy with them in that and I think the whole of India has sympathised in a practical form by subscribing towards the Relief Fund. But this is a special case and we must consider it on its own merits and should not be influenced by sentimental reasons. Considering all these things I fully support the proposal that the Institution should be shifted from Pusa to Delhi.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, one must feel in sympathy with the Honourable Mr. Hossain Imam in moving this Resolution, for he comes from Bihar and Orissa and no doubt the transfer of the Agricultural Research Institute must be felt by him and other residents in that area as a personal loss. It undoubtedly is, but as other speakers have already said this question must be considered from an all-India point of view and not from a provincial point of view. What is best for the country as a whole? I think it must be admitted that Pusa is not entirely the most suitable place for this Research Institute, the Linlithgow Committee and others who have studied the position have said so and I am prepared to accept that view as being correct.

[Mr. E. Miller.]

Having done this, what is the best action to take ? Situation and cost are the two governing factors and I am prepared to accept that the site selected by the Government of India is suitably situated, therefore I support Government's proposal generally but I should like to make it conditional on the estimates being subjected to a rigid scrutiny with a view to keeping the capital cost of the new buildings, etc., as low as possible, commensurate with the installation of adequate equipment for the successful working of the institution. Also I wish to stress that when the estimates are submitted for sanction it must be clearly understood that the figures cover the total cost and that no demand will be made at a later date for a supplementary grant.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : The proposal of the Government to move the Pusa Institute to Delhi which is the most central place from all points of view is a laudable one, and as far as I can ascertain my province is also of the same opinion. Besides this the proposition is sound for this reason that it will not touch the Exchequer. The Government will perhaps spend money from the loan funds and the interest on that loan will be approximately about a lakh or so. The House will agree with me that this amount is not too heavy a sum if spent for bettering the lot of agriculturists of India as a whole. Coming from Bengal where my interests in agricultural lands is the biggest among the Muslims and which lies in at least seven districts, therefore my considered opinion is that the move will do immense good to the peasant class as well as to the landowners, and I would earnestly request the House to support the Government.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, the question of the transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi should be regarded as a business proposition. We have heard a good deal about the enormous additional cost but it really amounts to this, that the difference in capital cost of a new institute at Delhi and the estimated cost of building a new laboratory at Pusa and of repairing the earthquake damage is a matter of Rs. 29 lakhs, which involves an annual charge of about Rs. 1¼ lakhs—if we allow for its eventual amortisation. An extra lakh or so per annum is not a large amount to pay for the improvement of India's greatest industry or a disproportionate insurance premium to assure the efficiency of the central agricultural research institute for all India. We have established an Imperial Council of Agricultural Research in order to promote and co-ordinate agricultural research throughout India as recommended by the Royal Commission on Agriculture and we have provided the Council with an average of Rs. 5 lakhs per annum for the encouragement of research. We know from the meetings for Members of this House to discuss the Council's work which have been arranged by the Honourable Member in charge of Education, Health and Lands—that the Council is fulfilling the object for which it was created and that all over India grants for research have been made and that every province is benefited. But we also see from the Reports of the Council that they find a Central Research Institute to be necessary and if we are to have such an institute, it should be as efficient as possible. The annual budget for the Imperial Institute of Agricultural Research, excluding its sub-stations, is approximately Rs. 8

lakhs per annum, and if by the expenditure of another lakh or so we can increase its efficiency, it would be false economy to hold back. Coming as I do from the Madras Presidency and being acquainted with Coimbatore, I have personal knowledge of the value of central agricultural research stations. Coimbatore is the headquarters of the Agricultural Department of the Madras Presidency and the site of our active provincial agricultural research institute. But it has also the privilege of possessing an imperial institution—the Imperial Sugar-cane-breeding Station, from which have emanated the Coimbatore canes which are now famous throughout the world. This sub-station, which is a branch of the Imperial Institute of Agricultural Research, has provided improved seedling canes for the whole of India and I note from the latest review of the sugar industry of India published in the *Indian Trade Journal* that the area under improved canes has now reached 18 lakhs of acres, of which some 15 lakhs of acres are Coimbatore canes. This shows what a suitably placed central institute can do for the whole of India. The benefit has not been all on one side and conversely the Coimbatore district and the Madras Presidency in general have benefited by work carried out at Pusa, *e.g.*, the research work on the control of insect pests and diseases, although we have a good scientific agricultural research institute of our own.

The Royal Commission on Agriculture found that although it had many successes to its credit, the Imperial Institute of Agricultural Research at Pusa had failed in certain definite respects and that largely because of its isolation. Unless one is dealing with something dangerous like explosives, a research institute should be conveniently placed where the workers employed in them can be in touch with scientific thought and educated opinion in the country generally. The scientific workers employed at Pusa have no facilities for scientific intercourse with people outside their own immediate sphere. The railway communications of Pusa are bad, for it is cut off from the main broad gauge system of India by the Ganges. It is not centrally placed and is difficult of access to workers in other parts of India. A central research institute should be placed where its laboratories, library, herbariums, etc., are reasonably accessible to scientific workers, agricultural officers and to the many unofficials who are now interested in agricultural development from all parts of India. Other great federal countries, though they have special agricultural experimental stations dotted all over the country, have the headquarters of their agricultural departments at the federal capital. The headquarters of the United States Department of Agriculture, for example, is at Washington, where are located the various bureaux which direct the federal schemes of research. In Canada, again, the headquarters of the Dominion Agricultural Department is at Ottawa, where also is their Dominion Experiment Station, although in Canada also the Agricultural Department is carrying out research work on special farms throughout the country.

To my mind it is a mere act of common prudence for the Government of India to take this opportunity of establishing the Imperial Institute of Agricultural Research at a site in Delhi Province. They are faced in any case with very considerable capital expenditure in order to make good the damage caused by the earthquake. Although the estimates of the cost of repairs have doubtless been prepared as carefully as possible, there is no certainty that further

[Diwan Bahadur G. Narayanaswami Chetti.]

expenditure on repairs will not be necessary in future, if the Institute remains at Pusa. It is clear from the Report of the Royal Commission on Agriculture that but for financial considerations they would have recommended immediate transfer of Pusa to a more suitable site. Since then cost of building has fallen very materially, whilst the average rate of interest on money has fallen even more, and what would have represented an annual charge of Rs. 2½ to Rs. 3 lakhs in 1928 is less than half that amount today. Moreover, the constitutional position is now altered. We are within a very short distance of the establishment of provincial autonomy, which is an additional reason why this Central Research Institute should be within the imperial enclave.

I have the honour to be the representative of the Council of State on the Governing Body of the Imperial Council of Agricultural Research and to my mind the fact that Delhi is the headquarters of the Research Council is one of the most cogent reasons for the transfer of the Imperial Institute of Agricultural Research to that place. We know that every year something like 70 agricultural officers, scientists from Indian universities and others connected with the improvement of agriculture and animal husbandry in India visit Delhi in connection with the meetings of the Council and its various committees. A research institute situated near Delhi in close touch with the Council would be a live affair and would have specially good prospects of future usefulness. We are dealing now with no matter of temporary importance but are concerned with a proposal from Government which cannot fail to have a most important influence on the agriculture of the future. In my opinion the proposal is a right and wise one, and I oppose the Motion.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the only point I want to impress is this, whether expert opinion and the opinions of different public bodies were received before arriving at a decision to transfer the place from Pusa to the neighborhood of Delhi.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Sir, I followed the debate with some attention. I will begin by referring to the speech made by my Honourable friend Diwan Bahadur Narayanaswami Chetti. He told us that because it is an imperial institute it should be in Delhi. If that is the only reason for removal, may I ask Mr. Narayanaswami Chetti whether he would like the Coimbatore Research Institute, which he said was fruitful of great results, to be transferred to Delhi ?

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official) : You could not grow that cane in Delhi.

THE HONOURABLE MR. BIJAY KUMAR BASU : Neither are all crops grown in Delhi ; that is well known. There are certain crops, as was pointed out by Rai Bahadur Lala Ram Saran Das, that could not be grown in Delhi. You cannot grow, for instance, jute in Delhi. That is a sort of thing that we have got to face in any place where you want to place an institute of this character. I have not heard really any argument for the removal except that the buildings of the Institute in Pusa have been destroyed by earthquake,

and if those have to be rebuilt, why not rebuild it in a place which would be accessible to everybody ? Pusa, I am told, is rather inaccessible. I plead ignorance to the fact that I do not know exactly where Pusa is except that it is somewhere in Bihar. (Laughter.) I am not ashamed to acknowledge the fact that I do not know where it is. I have never been to Pusa ; I have never been to many places in India for the matter of that. But a tree is generally known by its fruits. We have heard of Pusa wheat. If we get good results from research there it is all right. We have been told that the buildings have been destroyed and whenever there is an institution which bears the big name of an imperial institute it ought to be placed in the Imperial City, free from the influence of a provincial or a smaller Government. One argument is that there may be a clash between the Imperial and Local Governments as if the Imperial Government cares anything for the clash from a Local Government.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA : The Local Government has got nothing to do with the Imperial Institute at Pusa.

THE HONOURABLE MR. BIJAY KUMAR BASU : There was an apprehension but, Sir, it is neither here nor there. As money has to be spent in Pusa which is supposed to be a danger zone for earthquakes, it would be better and safer according to experts of the Government that such money should be spent in a place which is not yet a danger zone for earthquakes or any convulsions of nature. But I have not as yet heard even from my Honourable friend Sir Ghulam Husain Hidayatallah who very enthusiastically supported the proposal of the removal, except the inaccessibility of Pusa, what other grounds there were for coming to this decision, although I am sure that the very fact that a large amount of money may have to be spent in Pusa where the apprehension of earthquakes still exist is a good ground which appeals to me to bring that Institute which is really under the Central Government nearabouts the headquarters of the Central Government. As regards the financial question, which has been made a very big question by my Honourable friend Mr. Hossain Imam, I can remind him that there are provinces which talk in lakhs and there are provinces which talk in hundreds. Therefore, what is to us a very great figure is not really so great a figure to the Government of India. What we call " ship " in India is called " boat " in England. So that question ought not to trouble the Honourable Mr. Hossain Imam or any of us. Another thing which struck me when I was just looking through some papers—notably one sent to me with the compliments of the Editor of the *Whip*—regarding the Pusa Institute was, that it was founded by that very able Viceroy, Lord Curzon, in 1903, and he established this Institute at that place, Pusa. I was anxious to find out if there was any reason other than having a large Government estate in Pusa to be utilised that impelled Lord Curzon to place that Institute at Pusa, because I had an idea that whatever Lord Curzon did he did with such a thoroughness that I expected that there must have been some reasons other than merely having an unutilised Government estate for establishing this Institute at Pusa. But I was told on very high authority that there was no other reason on record why Lord Curzon chose Pusa except that there was such a large tract of Government land which was practically doing nothing, was not employed and could be utilised in this

[Mr. Bijay Kumar Basu.]

manner and fortunately at this time the £30,000 gift of Mr. Phipps came in handy and it was found that a Research Institute for Agriculture could be established. Now, having the land and money practically come from nowhere it could be utilised and the outcome was the establishment of the Pusa Institute. There is nothing on record to show that Pusa was favoured because there was something inherent in Pusa that was necessary for a research institute. Therefore, now that an earthquake has destroyed the buildings at Pusa, why not abandon the place and bring it up to a more central situation ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is Delhi central ?

THE HONOURABLE MR. BIJAY KUMAR BASU: It is central in this that it is the headquarters of the Central Government. If you consider Cape Comorin it is not central. If you consider Baluchistan it might not be central. But Delhi is central because it is the head of the Central Government and institutes which are controlled by the Central Government, I think, ought to be nearabouts the headquarters of the Central Government because you can always have better control. Although I do not believe that research workers need be placed under the very eyes of the Central Government. Of course, I do not want it, because we should only look at their results and not at the location. It does not matter whether they can grow cotton in Pusa or cannot grow jute in Delhi. It makes very little difference, because certain crops have to be experimented with and the reports are sent out to the various Agricultural Departments, and there are various sub-stations which can go into these experiments on local crops. There are sub-stations in Bengal, for example, which can experiment on jute and I am sure, as Mr. Hossain Imam pointed out, the Central Cotton Committee does make research in cotton. So the arguments that were advanced that certain crops are not grown in Pusa or certain crops cannot be grown in Delhi to my mind do not affect the question. The whole question is whether an institute which is directly under the Central Government and which is directly under the Imperial Council of Agricultural Research ought not to work immediately under its supervision. The other point that was made——

THE HONOURABLE THE PRESIDENT: Will you please conclude your observations ? Your time is up.

THE HONOURABLE MR. BIJAY KUMAR BASU: Very well, Sir. I think I have said enough to show that this question ought not to be viewed in the light in which my friend Mr. Hossain Imam looked at it, and so far as the removal is concerned it really does not affect the province but the Central Government.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Do you support our Motion ?

THE HONOURABLE MR. BIJAY KUMAR BASU: I do not.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I support the Motion of my Honourable colleague. Generally it is the opinion of our Party that the Institute should be retained at

Pusa. Sir, my Honourable colleague from Sind has put forward some arguments which have not appealed to me at all. He says that Pusa is not suitable because there is no canal irrigation there. Bihar is one of the ever green provinces and does not stand in need of artificial irrigation.

THE HONOURABLE SIR GHULAM HIDAYATALLAH: Sir, may I correct the Honourable Member ? I said it cannot grow irrigated crops, that is, crops which are cultivated by irrigation.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I cannot understand, Sir, what is the material difference whether a crop is grown by artificial irrigation or by natural irrigation. My friend, the Honourable Nawab Mohammad Hayat Khan Noon has said that Delhi will be a more central place for this Institute. I may point out that I do not take a selfish view in this matter but the general view of the taxpayer. I considered that the Punjab has got a great deal of benefit from the Pusa Institute in growing its crops. In growing crops of sugar-cane and crops of cotton and wheat we have greatly benefited by the Coimbatore and Pusa Institutes. My friend, the Honourable Mr. Basu has said that the Government has chosen the transfer of the Institute to Delhi on account of Bihar having become an earthquake zone——

THE HONOURABLE MR. BIJAY KUMAR BASU: "Perhaps," I said. I am not in the know of the Government.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Even if it does become an earthquake zone, look what the Government is doing in a country like Japan which is subject to frequent earthquakes.

THE HONOURABLE MR. BIJAY KUMAR BASU: They are building reed huts !

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Even now, as I said—the Honourable Mr. Miller will support me—the reinforced cement concrete construction is free from the effects of earthquake.

As regards finance, I do not think any of us feel justified in incurring unnecessarily an extra expenditure of about Rs. 36 lakhs. We are getting full advantage from the Pusa Institute. I consider, Sir, that a bad precedent is being created. If the policy of the Government is that all the imperial institutions should be concentrated in or around Delhi, then we shall have to transfer all the institutes, from Dehra Dun, from Muktesar, Bangalore, and other places as well. I hope, Sir, that the Honourable the Leader of the House who is in charge of this Department will kindly give us the reasons which led Lord Curzon's Government to establish this Institute at Pusa and also to substantiate whether this expenditure is justified. In case Pusa has become a danger zone and Government consider that Pusa is not the proper place for the Institute and Government admit their error in keeping this Institute there, I propose that a really geographically central place be chosen. Cawnpore will be a much better central place.

Sir, several Members have pointed out that as money is cheap, the capital required can be had at a very cheap rate of interest. The established practice of the Government so far has been to borrow money only for productive works

[Rai Bahadur Lala Ram Saran Das.]

My Honourable friend from Sind has not been able to establish that this is a productive work, and as this is not a productive work, I should like the Honourable the Leader to explain how he will find this money and whether that money can be easily spared. I shall also expect the Honourable the Finance Secretary to throw some light as to how he can find this money.

With these remarks, Sir, I support the Motion.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I rise to support the Motion moved by my Honourable friend Mr. Hossain Imam. My Honourable friend Sir Ghulam Husain Hidayatallah when he commenced speaking said that one should, in a problem like this, take a detached view, but, later on, when he developed his arguments, we find that they were all in favour of Sind. He said that Pusa was not accessible to Sind. Then he further proceeded that Sind is a cotton-growing tract and that no experiment is being carried out in Pusa. In this way he went on to provincialism instead of taking a detached view which he wanted to place before the Council. Sir, I would place that view before the House and although our province will be the gainer in having this institute in Delhi, we should not be led away by provincialism on account of other considerations. It has been said that the Agricultural Commission was in favour of the transfer from Pusa but on financial considerations it postponed its recommendation. May I ask Government whether the financial grounds on which the Commission postponed its recommendations have now changed? Are the finances of Government much better off now than they were then? As far as I can see, the position is just the reverse. We all know that year after year emergency Bills are brought forward. They were first introduced for a period of 14 months and have been brought again and again before this House ever since. Not only that. Several new measures to kill infant industries have been introduced. Excise duty on sugar and matches have been brought before this House to meet the financial stringency. Sir, in a few days' time we will be discussing another measure, the Steel Protection Bill, by which Government are going to place an excise duty. So, may I ask from Government if the financial stringency has ceased now and if they can easily find this Rs. 36 lakhs? Sir, it is not a question of money. It is a question of will. Wherever Government want to spend money, our Finance Secretary can find heaps of money, but where Government do not want to spend it, figures are placed before the House that there is no money. When we ask for money for nation-building departments, Government have got no money. When we ask that the grants to the Benares and Aligarh Universities be increased, Government have no money. When I moved a Resolution in the last session saying that an All-India Advisory Council on Co-operation should be established, the Leader of the House got up and said that he had no money, although that would have cost only a lakh or two. But, Sir, on a proposal like this there is no financial stringency, and money is ready for the transfer.

I oppose this transfer on another ground. Scientific research should be carried on at a quiet place. I do not think Delhi will be a quiet place. Scientists and students will merely devote their precious time in going to cinemas and having interviews with high Government officials at Delhi. An

institution like this where research has to be conducted should be as far away as possible from these luxurious places, as I should call them.

Sir, it has been said that the imperial institutes which are controlled directly by the Government of India should be located as close as possible to Delhi. I beg to differ from that view. I have already stated my reasons. There are many such institutions and Coimbatore and other places are far away.

Sir, the present Government is very fond of enhancing the beauties of Delhi. We do not know if after, say, 20 or 30 years, Government may not take it into its head that Bombay will be the most suitable place for the capital, and may I ask if all these institutions will then be removed to Bombay? Then, after 30 or 40 years, Government may take it into its head that the capital should be removed to Madras. Therefore all these considerations should not be taken into account. The chief consideration should be facility for research, and the work that the institution has done as well as the money that we are going to spend. These should be the chief consideration. I have not been led away by provincial feelings.

For these considerations, Sir, I support wholeheartedly the Motion.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I am entirely in favour of the transfer of this institute from Pusa to Delhi and I oppose the Motion which has been made. Sir, speaking at this late hour I will not inflict a lengthy speech. I would only draw pointed attention to one aspect of the matter to which reference has been made by my Honourable friend Mr. Basu. The Honourable Mr. Basu in his lucid speech gave us an account of the way in which Pusa came to be selected for the location of the institution. He made it perfectly clear that it was not because of the ideal character of the soil or because of its central situation or of any advantages which it possessed as against any other place in India that it was selected, but it was merely because of the fact that there was a large plot of Government land lying waste which Lord Curzon thought he could turn to account by locating this institution there——

THE HONOURABLE MR. BIJAY KUMAR BASU: More adventitious reasons than advantageous!

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR——

5-5 P. M. so that this place was chosen in a haphazard fashion without regard for the suitability of the place for an institution of this character. It might be asked how is Delhi superior to Pusa in the matter of the location of this institution? As has been observed by several speakers, Delhi is more central than any other place inasmuch as it is the headquarters of the Central Government and this institution is under the control of the Imperial Council of Agricultural Research. Besides Delhi is more suitable because the soil around Delhi is more representative of the soil obtaining in India as a whole. Pusa on the other hand is not so representative. The soil at Pusa is described as being mostly chalky, a kind of soil which is not typical of the soil of India. (*An Honourable Member*: "The whole of the Gangetic plain has the same kind of alluvium as at Pusa.") Delhi is more

[Saiyed Mohamed Padshah Sahib Bahadur.]

representative of the greater part of the Indo-Gangetic plain than Pusa. Again, in Pusa a lot of crops are grown without the help of irrigation. That is not the case in most parts of India. In most parts of India crops are grown only with irrigation. Therefore the experiments carried on at Pusa in the matter of raising these crops are not of much help to agriculturists in most parts of India, because it is impossible to carry out experiments in Pusa on irrigational crops. There is this advantage also in locating this institution at Delhi for in Delhi the soil is such that, while it is suitable for growing almost all kinds of crops that grow in Pusa, it is also suitable for growing a lot of other crops which cannot be grown at Pusa, for instance cotton, which is an important crop in most parts of India. It is one of the chief crops in my province, and in Sind and in the Central Provinces, and a lot of other places. So far as expert opinion is concerned, about which a question was asked by the Honourable Mr. Banerjee, we have the opinion of the Royal Commission on Agriculture which was that, in spite of the fact that Pusa had done much useful work, it had failed in several respects due to the fact that it was not located in a more central and accessible place.

Sir, I do not want to refer to any other aspects of the question. I conclude my remarks by repeating that I am completely in favour of the transfer of this institution to Delhi.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I heartily support the Motion made by my friend Mr. Hossain Imam. I am in the fortunate position of looking at this question, not from a narrow or parochial point of view, but from a broader view of the usefulness of the institution. This institution has been in existence for over 30 years, in fact for over a generation and it has been located in Pusa. There is such a thing as building a tradition, and the tradition which has grown around this institution at Pusa should not be lightly thrown away. We should not at the appearance of the first misfortune in the shape of an earthquake, involving an expense of of a few lakhs of rupees, throw away the tradition that has been built up round Pusa and remove the institute to Delhi. I would ask whether Pusa was not considered suitable for purposes of research. So far as I can see, except the references to cotton growing and other things, for which sub-stations can easily serve the purpose, this Pusa Institute has been doing very useful work, and it has been located in sylvan surroundings. I think sylvan surroundings have been regarded as being particularly suited to research work and it must have been one of the reasons, if not the main reason, for locating the Research Institute at Pusa, and Pusa is on the Gangetic plain. It has got the same soil as other parts of the Gangetic delta and I have heard it said, Sir, in the course of discussion that Pusa is inaccessible. I fail to understand how a few more hours of travel to a place would affect any expert going there if he really wants to? What does it matter if it takes him even 12 hours longer than it would to go to some other place? Are the experts working in the Pusa Institute put at a disadvantage because they are far away from the various stations? That is a question to be considered. Pusa has been serving our purpose until the recent earthquake, and we did not hear before that it was not a suitable centre. Now probably the people who direct the operations at Pusa from Delhi think

that by having this institute removed to Delhi they may have better control. But I fail to see how better control over a research institute is possible if it is in a more central place like Delhi. In my opinion control can be better exercised away from Delhi and its multifarious activities by the supervising officer taking a trip to a place like Pusa, rather than in Delhi itself. After all, the removal will cost an extra Rs. 27 lakhs. Why should this extra expense be incurred unless you are going to improve the institute? After all, by spending Rs. 9 lakhs you can renovate the buildings, whereas you are going to throw away another Rs. 27 lakhs which can very well be utilised to improve the Pusa Institute itself. It may appear small in the eyes of some of the capitalists, but to me Rs. 27 lakhs is a large figure and it can very well be utilised in more useful ways, in furtherance of research itself.

THE HONOURABLE MR. BIJAY KUMAR BASU: It is very small to the Government of India.

THE HONOURABLE MR. P. C. D. CHARI: With these words, Sir, I support the Motion.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, we have listened to a very interesting debate and a very full debate. As many as 13 speakers have taken part in the debate and I am glad to be able to say that I am the fourteenth now. A number of questions have been propounded by some of my Honourable colleagues and it will afford me very great pleasure indeed to answer them. I think, Sir, it would be right to point out what the position is. The position is this. Since the last three or four years, Honourable Members cannot be unaware that we have been in the throes of economic depression. And whom does that economic depression concern most? It concerns the big landholders like the Leader of the Opposition or the Maharaja Sahib Bahadur of Darbhanga, other maharajas and landholders. It does affect them very much. But there is another class of Indians whom it affects much more and that class is to be counted not in thousands, not in lakhs, but in crores—I mean the humble cultivator. It is true that the profits of the landlord have shrunk, shrunk to half in some places, to one-third in other places, and one-fourth in some other places; but the people whom it has affected most are the cultivators who, according to the Leader of the Opposition, are not having two meals a day. I can assure him that besides meals the cultivator wants cloth to cover his body and some other essential things like light, salt, etc.; and for that unfortunately money is needed and that the poor cannot afford them. This is a matter which has been engaging the attention of the Central Government and of all the Provincial Governments; just like the Government of India the Provincial Governments have been very much concerned. What to do with the problems which have arisen out of this economic depression and the condition of the poor agriculturist whose liabilities have become too heavy for him to discharge? Well, we have been in close touch with Provincial Governments. We have been watching the efforts at meeting agricultural indebtedness, affording credit facilities, and we have also been trying to do what can reasonably be done with the object of raising prices on agricultural produce. Not much success has attended our efforts, but still I do not mean to say that efforts should not be made, and I do not mean to say that it is not worth while

[Khan Bahadur Mian Sir Fazl-i-Husain.]

to continue to make the efforts. We held a Provincial Economic Conference, to which representatives of Provincial Governments came, and also representatives of the agricultural departments in order to see what could be done to help them. The question arose of increasing the output of agriculture and also prices. In order to deal with the economic depression and the matters that arose from it the Economic Conference considered various points. When the proceedings of the Conference came before the Government, Government considered various projects for the purpose of stimulating Indian trade and Indian industry and Indian agriculture. It wanted to formulate a programme which could be adopted in order to secure the maximum benefit possible from the scheme. The first effort made was in the direction of crop planning. Honourable Members might remember that such a Conference was held in Simla and every effort was made to see to what extent crop planning can help agriculture. Some valuable results were achieved but not to the extent that at one time was anticipated. Then in the course of discussion it was brought out that we ought to move in the way of finding scope for export and that we had no trade agents all over the world. A scheme was sanctioned by which trade agents were to be employed to push Indian crops. Similarly, schemes for sericulture and for research in industry were started and, as part of a complete scheme, two items were put under agriculture, one was a marketing board, expansion in the provinces, and the other was to place the fundamental agricultural research at a place where its benefit from increased efficiency at the institute and promoting research activities in the provinces would be increased many fold. For the Honourable Members to suggest that the scientists working at Pusa wanted to be in Delhi rather than at Pusa and therefore this benighted, soft-headed Government, want to spend Rs. 36 lakhs to transfer it to Delhi is really unfair. How could any Member allow such a thought to enter his mind? I cannot believe it. Or is it right to suggest that in the interests of the experts at headquarters, three or four of them, my dear friend Sir T. Vijayaraghavachariar, the Vice-Chairman, has conceived a plan of squandering Indian money to the tune of Rs. 36 lakhs in order to have the convenience of the institute being near? I must be mad if I could be a party to a thing like that. It is ridiculous to make suggestions like that and I trust this House will not for a moment entertain any such idea. Then why are we making this move? I will answer that question straightaway without mincing matters. Firstly, what my Honourable friend Mr. Bijay Kumar Basu has said is correct. Pusa was chosen because of two reasons; first, there was land available and the climate of Pusa is by no means bad. It has a good climate. Given the land, given good climate, at the time no one realised the inaccessibility of Pusa and the inconvenience it would cause. Pusa certainly, Sir, has done very well. But that does not mean to say that we have got all we could have got out of Pusa, out of the Central Research Institute, had it been in a more suitable place than Pusa. I do not want to minimise—my friend asks "How?" Am I to understand that the Honourable Members of the Opposition think that when they favour us by visits at the headquarters, whether in Delhi or Simla, and come in contact with the Members of Government and Secretaries, and so on, that we do not benefit by their visits? Undoubtedly we do. Our mind is improved, our knowledge is improved, and

we feel all the better for it. I trust the compliment will be returned by them as well. They could not be coming in contact with the Members of the Central Government without having derived some benefit and I trust that on the whole we are both the better for it. This is the position, Sir, that these poor people remain at Pusa cut off from all contact. Surely, Sir, scientific minds no less than ordinary minds react to intellectual stimulus? It is absolutely necessary. You deprive not only all the scientific workers at Pusa of the stimulus which they could have derived from scientific workers in universities and provincial research institutes, but you deprive the universities of India of the close contact with the scientific workers at Pusa.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the Muktesar and Bangalore institutes?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Is my Honourable friend's argument that unless you can have them all brought together, you should not have any brought together?

Again, Sir, the question whether Pusa is not central and whether Delhi is better situated than Pusa is not such a difficult matter as to detain the House for long. Here we have in Delhi a central place, not in the sense that it is the headquarters of the Central Government but in the sense that it is easily accessible from different parts of India whether by road or by railway and now there is a third way, by air. Therefore we accept the proposal. The way some places are favoured by fortune is obvious. Delhi is lucky in this respect. Whether you come from Sind or from the Frontier Province, from the United Provinces or the Central Provinces or Bengal you find Delhi accessible. I am surprised, Sir, that the obvious advantages of Delhi for the site of a central institute should have been lost upon the representatives from the United Provinces who possess five universities and five sets of scientific workers, a very short distance from Delhi, to derive all the benefit from it. As a matter of fact, Sir, I firmly believe that if the two United Provinces' Members not supporting the move to Delhi really felt that the result of this Motion would be that Government would give up the idea of moving the institute from Pusa to the neighbourhood of Delhi, they would be the first to vote against the Motion. They feel so secure, so assured, that they say: "Let us give to the Party what is really meant for the Council." Therefore, Sir, I think on the ground of accessibility it is obvious that the claims of Delhi are unimpeachable.

Next comes the question of Delhi's suitability from the crop point of view. The Honourable Mr. Banerjee asked me whether we had consulted the experts. I have very great pleasure in assuring him that we obtained the advice of a scientist of the distinction of Dr. Keen three years ago, who informed us that if we wanted to derive full benefit from the institute we ought to take it out of Pusa. Last February we consulted him again and we consulted central experts and experts in the provinces. The Directors of Agriculture were unanimously of opinion that the benefits to be derived all over India would be immense if the institute was moved from Pusa to Delhi.

One last word as to money. Did the Honourable Members think of money when they sanctioned expenditure of a crore of rupees on buildings

[Khan Bahadur Mian Sir Fazl-i-Husain.]

for themselves and others at Delhi, quarters for themselves and for others ? That was capital expenditure.

THE HONOURABLE MR. HOSSAIN IMAM: That is productive.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: One and a half per cent. per annum is productive expenditure ? If that is so, Sir, I venture to disagree.

THE HONOURABLE MR. H. S. CROSTHWAITE (Government of India: Nominated Official): Sir, I move:

"That the question be now put."

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa: Nominated Non-Official): Sir, coming as I do from the Andamans of the scientists, as our distinguished Leader has been pleased to describe it, I am naturally rather interested in the retention of the institute at Pusa. Bihar has, of late, been rather unfortunate and has been visited by several visitations. After the earthquake we had very little time to recover ourselves before we came to know that the Pusa Institute, of which we were so proud of as being the only all-india institute in Bihar, was going to be removed from our midst. I have listened attentively to the remarks that have fallen from the different Honourable Members but I failed to find a single point in favour of the removal of the institute from Pusa except the point of its inaccessibility. The inaccessibility, I admit is, to a certain degree true, but those who are really keen to visit the institute the question of inaccessibility does not really matter. His Excellency Lord Willingdon when he was Governor of Madras visited Pusa and we have had many distinguished visitors from time to time.

THE HONOURABLE MR. BIJAY KUMAR BASU: You do not provide motor car for all visitors !

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Sir Ghulam Husain Hidayatallah has said that Pusa cannot produce the crops that can be produced by artificial irrigation. Unfortunately, Sir, Bihar has not got a Sukkur Barrage.

It has been said, Sir, that Lord Curzon chose Pusa merely on the ground that there was a large tract of land available there which was not being used. I fail to see, Sir, that that was really the only reason that made Lord Curzon select Pusa. The idea that Lord Curzon selected Pusa merely on the ground that there was land available there rather strengthens our case for, at that time, there was not the acute economic depression that we are having today and even at that time Lord Curzon who has been charged with wasting so much money on the Victoria Memorial took such keen interest in the matter of finance that he avoided unnecessary expenditure. I expected, Sir, that my Honourable friend, Sir Alan Parsons, would have supported us on the ground of finance. But not seeing him speak on this Motion has in one way been a matter of gratification to me, for I hope that it means that next March, we will find that Sir Alan Parsons will be in a position to announce that India has tided over the worst portion of the economic distress and that the emergency taxes and the surcharge will be dispensed with.

There is just one point more that I should like to ask, and that is, whether the persons who have been working in the Pusa Institute for so many years have been consulted in this matter and whether they really think that it would be advisable to transfer the Institute from Pusa to Delhi and whether, in their opinion, the soil at Delhi will be more beneficial and more productive than the soil at Pusa ?

With these few observations, Sir, I resume my seat.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I was waiting all this time to hear some arguments free from provincial interests. Although we Biharis have been accused of having the provincial sense developed, I find that almost all the speakers have looked at the question not from the point of view whether it is good for India but whether it is good for their own province. The Punjab in a body has supported it. There has been no dissentient voice except that of my Leader who being in a position to do so has thought over the matter from the Indian point of view. There is no doubt that an institute like Pusa is of all-India utility. The controlling body, the Imperial Council of Agricultural Research, was born long, long after the creation of Pusa. Pusa was established in 1903, but the Imperial Council which is the moving force in abolishing Pusa was formed only in 1929-30.

THE HONOURABLE MR. BIJAY KUMAR BASU: The son controlling the father !

THE HONOURABLE MR. HOSSAIN IMAM: The grandson is controlling the grandfather !

Sir, the Pusa Institute is not there to function like ordinary farms which are started by Provincial Governments to develop and report on the various crops that are grown. Pusa's function is much higher, something which is almost detached. It is not so much concerned with the particular variety of crop as with the general question of cultivation. For instance, fixation of nitrogen. That is one subject which does not concern rice or wheat or jute as such. At Pusa the question of weavils and moths which destroy the crops is looked into. That question is a detached question, and I venture to suggest that up till now the Government and the public have made the great mistake of regarding Pusa as a sort of show place to which people should go and see how they are performing their allotted parts. It takes months and months to finish one experiment, and experiments have to be multiplied before the results can be published. Research in agriculture is a thing altogether apart from the pettifogging, if I may say so—I do not mean any disrespect—demonstration farms which provinces have in different parts of their province. It has been said that Pusa has got no facilities for cotton growing. Some said that it has got facilities for this or for that. That is not the function of Pusa. Pusa is there as a control just as in a big commercial concern you have got offices, works and mines, etc., but the man who controls sits somewhere else.

THE HONOURABLE MR. BIJAY KUMAR BASU: Signs the cheque book !

THE HONOURABLE MR. HOSSAIN IMAM: Pusa is something of that kind. The Imperial Council of Agricultural Research finds that without the co-operation and active support of those officers, they are not able to produce

[Mr. Hossain Imam.]

any tangible results. Perhaps that is the reason why they want to dissolve it and to show the whole thing as the outcome of their own exertions.

I should like to say only one word more about the suitability of Pusa. The institute at Pusa should not be judged by any other test than the test of what they have done. One thing they have developed, Pusa wheat, that alone would be sufficient to justify their existence. They have developed other agricultural products too. Their achievements can be easily found out.

Then it has been said that it would be a sheer waste of money to spend it in an area which is subject to earthquakes. If we know once for all that this is the policy of the Government of India that no money should be spent on that area, I would advice my Honourable colleague Sir Guthrie Russell to close up the East Indian Railway and the Tirhut Railway and other railways. The Eastern Bengal Railway also comes in that area. Why spend money on these because they may be subject to earthquakes ?

THE HONOURABLE MR. BIJAY KUMAR BASU : That is why you wanted a colony.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, the Honourable Mr. Bijay Kumar Basu gave one reason why this institution should be transferred to Delhi. He said that this being a central institute and Delhi being the capital it is quite right that it should be transferred.

THE HONOURABLE MR. BIJAY KUMAR BASU : I simply anticipated the Government reply !

THE HONOURABLE MR. HOSSAIN IMAM : If the Government take up that attitude, I am afraid that Calcutta will be deprived of a large part of its amenities in the shape of the Imperial Library which also belongs to the Department of Education, Health and Lands.

THE HONOURABLE MR. BIJAY KUMAR BASU : It is being brought to Delhi. It is on its way !

THE HONOURABLE MR. HOSSAIN IMAM : The Imperial Records Office which also belongs to the Department of Education, Health and Lands, and the Currency Office and the School of Mines, Dhanbad, will have to be transferred. Now, Sir, he also pointed out that what may look to me to be a big sum of a lakh and a half per annum in interest charges is really a small sum. It is no doubt a small sum as far as the resources of the Government of India are concerned. But may I remind the Member for Education, Health and Lands that for two years we have been asking that the two Universities of Aligarh and Benares should have the same cut as is now imposed on the salaries of Government officers ? They are the only people in Government service who are subjected to a 10 per cent. cut and the Government of India cannot find the money ; and it should be noted that Benares University is one of those which has got agriculture as a particular subject and it is in close touch, about 150 miles only, with Pusa. Sir, the Leader of the House has admitted that the climate of Pusa is good and the land is good, but he has not shown us that either the climate or the soil of Delhi is good and has not assured us that within a year or two we will not have a supplementary budget placed before us for the

tour allowances of the officers coming to Simla. Because Delhi is practically impossible to live and work in for four months at least : it is too much subject to malaria and extremes of heat and dust. So far as the supposed inaccessibility of Pusa is concerned, perhaps I may point out that it is not so inaccessible as is made out. Patna is on the direct route from Calcutta to Delhi and from Patna it is only a three hours' journey——

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : By aeroplane ?

THE HONOURABLE MR. HOSSAIN IMAM : By car. You cross the Ganges——

THE HONOURABLE THE PRESIDENT : You have a minute more only.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, if the Government is prepared to spend more money for agriculturists we would be very glad to welcome it, but it should be spent in a proper manner and it should not be squandered.

THE HONOURABLE SIR DAVID DEVADOSS : Sir, I move :

" That the question be now put."

THE HONOURABLE THE PRESIDENT : I must tell Honourable Members that the debate under the Standing Orders must last for two hours if any Member desires to speak and the Chair is not bound to accept the Motion for closure. The Honourable mover has now replied and the Honourable Member in charge is entitled to a reply.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Well Sir, I will not take many minutes because I know the House is anxious to divide. I will just answer one or two questions that have been put by one or two of the speakers. I was asked by the Honourable Maharaja Bahadur whether the workers at Pusa were consulted ? I can assure him that the Director who retired a few months ago, Dr. Macrae, and the present Director, Dr. Shaw, were both consulted and, as a matter of fact, the scheme put up for consideration of Government was prepared by them along with the Central Government's expert Mr. Burt. That is the first question. Then the Honourable mover of the adjournment Motion has said if Government is anxious to help the agriculturist then he is also with Government. I am very glad to have this assurance because it seems to me that in the interests of the agriculturists in India this expenditure is by no means too much in comparison with the benefit that is bound to accrue to Indian agriculture.

THE HONOURABLE THE PRESIDENT : The Question is :

" That the Council do now adjourn."

The Motion was negatived.

THE HONOURABLE THE PRESIDENT : As regards the Honourable Mr. Chari's Resolution it will be taken up on the next non-official day and the debate will be resumed where it was left off.

The Council then adjourned till Eleven of the Clock on Monday, the 13th August, 1934.

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COUNCIL OF STATE.

Monday, 13th August, 1934.

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

MEMBER SWORN :

The Honourable Mr. Chettur Govindan Nair (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

Opening Balances of the Secretary of State for India and Average Rates at which Invested.

45. The Honourable Mr. HOSSAIN IMAM : Will Government lay on the table a statement of the balances of the Secretary of State for India on the first day of the five months of 1934-35 and the average rates at which they were invested ?

The Honourable Sir ALAN PARSONS : The opening balances of the Secretary of State for India at the beginning of each month of the current financial year were as follows, in millions of pounds :

April, 1934	15·5
May, 1934	16·2
June, 1934	13·9
July, 1934	11·6
August, 1934	8·3

Government do not consider that it would be in the public interest to disclose the average rates at which the balances were invested.

Treasury Bills outstanding with the Public and in the Paper Currency Reserve.

46. The Honourable Mr. HOSSAIN IMAM : What was the amount of treasury bills outstanding with the public and in the Paper Currency Reserve on the last date of each of the four months of the year 1934-35 ?

The Honourable Sir ALAN PARSONS : The following are the approximate amounts of treasury bills outstanding with the public :

30th April, 1934	35,29	lakhs.
31st May, 1934	33,27	„
30th June, 1934	15,70	„
31st July, 1934	9,54	„

As regards treasury bills held in the Paper Currency Reserve Government do not consider that it would be in the public interest to give more detailed information than is available from the published statistics and communiqués.

WAYS AND MEANS ADVANCES OUTSTANDING AND RATES OF INTEREST PAID ON THEM.

47. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly state the rate at which Government took ways and means advances last year and on the current year and the amount outstanding on the last day of every month in each of the two years?

THE HONOURABLE SIR ALAN PARSONS: As regards the ways and means advances outstanding during 1933-34, I would invite the attention of the Honourable Member to Statement XV on page 70 of the Controller of the Currency's Report for that year. The amounts outstanding at the end of each month of the current year were:

April	*Nil.*
May	*Nil.*
June	9½ crores.
July	11½ crores.

I regret that I am unable to disclose the rates of interest paid on these advances. They are settled by confidential agreement with the Imperial Bank and vary from time to time in accordance with market conditions.

THE HONOURABLE MR. HOSSAIN IMAM: Was the rate of interest paid on ways and means advances during the current year more than on the treasury bills of July, 1934?

THE HONOURABLE SIR ALAN PARSONS: I am afraid I am unable indirectly to disclose the rates of interest paid on these advances.

AMOUNT OF LOAN GIVEN TO THE BIHAR AND ORISSA GOVERNMENT FOR EARTHQUAKE RELIEF AND RATE OF INTEREST CHARGED.

48. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the amount of money given to the Bihar and Orissa Government as loan for earthquake relief and the rate of interest charged? Did the Local Government submit any estimate of the amount that would be required to give loans to the sufferers? If so, what was the amount?

THE HONOURABLE SIR ALAN PARSONS: The latest estimate of the amount which the Government of Bihar and Orissa will require to borrow is about Rs. 1¼ crores. I cannot say how much has actually been taken by them up to date since we have informed them that they can draw the money as required and come up to us for formal sanction later. Included in this figure are sums of Rs. 27 lakhs for house building loans to individuals and Rs. 30 lakhs for takavi advance for sand clearance.

The advance for house building loans to small borrowers will be interest-free for one year and thereafter will bear interest at the rate at which the Government of India can borrow subject to a maximum of 4½ per cent. The other advances bear interest in accordance with the rules of the Provincial Loans Fund; in the current year the rate of interest is likely to be between 4 and 4½ per cent.

METRE GAUGE ENGINES ON THE EASTERN BENGAL RAILWAY.

49. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table the reply to my question No. 195 of 16th September, 1933, regarding the metre gauge engines on the Eastern Bengal Railway, and state the reason for this delay of more than 10 months in furnishing the reply?

THE HONOURABLE SIR GUTHRIE RUSSELL: I lay a statement on the table. I am unable to understand the second part of the question, as in accordance with the promise given by the Honourable Sir Maurice Brayshay in this House on 16th September, 1933, the information was supplied to the Honourable Member in October, 1933.

Statement containing the information furnished to the Honourable Mr. Hossain Imam in reply to his question No. 195 put in the Council of State on the 16th September, 1933.

METRE GAUGE ENGINES ON THE EASTERN BENGAL RAILWAY.

(*a*) The heaviest metre gauge engines on the Eastern Bengal Railway are the Y. B. class 4-6-2 type I. R. S. design.

(*b*) There are 33 of them.

(*c*) Their worked mileage in the year 1931-32 was	978,190
or an average annual mileage per engine of	29,642
(N.B.—Of the 33, two were put on in April, three in May and one in September, 1931.)	
(*d*) Their worked mileage in the year 1932-33 was	1,023,382
or an average annual mileage per engine of	31,012
(*e*) The worked mileage of *all* metre gauge engines on line in 1931-32 was	4,521,031
or an average annual mileage per engine of	20,183
(*f*) The worked mileage of *all* metre gauge engines on line in 1932-33 was	4,243,098
or an average annual mileage per engine of	13,858

LANDED PRICE, WITHOUT DUTY, AT CALCUTTA, OF PROTECTED STEEL GOODS.

50. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government lay on the table a statement showing the landed price without duty at Calcutta on the 31st July, 1934, of all the protected steel goods?

(*b*) Will Government also state the value and weight of these articles imported during the first quarter of this and last two years?

THE HONOURABLE MR. T. A. STEWART: (*a*) I lay on the table a statement containing the information asked for.

(*b*) The required information will be found in the issues of the *Indian Trade Journal* of the 15th March, 12th April and 10th May, 1934, respectively copies of which are in the Library of the Legislature.

Statement showing the landed price without duty at Calcutta on the 31st July, 1934, of protected steel goods.

Serial No. in Tariff Schedule.	Serial No. in the statements published in the *Indian Trade Journal*.	Name of articles.	Price per ton.
			Rs.
102-b	151-b	*Joists*—	
		British	118
		Continent .. .	75
		Tees—	
		British	125
		Continent	88
102-d	152	Bars—	
		British	107
		Continental	84
102-i	154	*Tinned sheets*	213 to 360 according to quality and thickness of steel.
103-b	145	*Bolts and nuts* (ordinary) ..	216
		Fishbolts	293
103-e	145	Rivets	183
103-i	147 (*b*)	*Plates*—	
		British—	
		Common quality ..	117
		Chequered	144
		Continental—	
		Common quality ..	85
103-l	148 (*b*)	*Black sheets*—	
		British	140
		Continental	Prices not available.
103-m	148 (*a*)	*Galvanised sheets*—	
		Made from Indian bars ..	195
		From non-Indian sheet bars	170
		From Japanese	210
		From Continental ..	147
103-n	150	*Rails* (over 30 lbs.) ..	127
		Fishplates	180
		Spikes	151
103-r	149	*Wire*	133 to 200 according to gauge.
		Wirenails—	
		British	251
		Belgian	137
		Fabricated steel	This varies according to the amount of fabrication. (Imports are rare.)

Prices of other items are not available.

OLD OBSERVATORY SITUATED ON THE JANTARMANTAR ROAD AT NEW DELHI.

51. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Is the old Observatory situated on the Jantarmantar Road at New Delhi a protected monument under the Ancient Monuments Preservation Act ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Have the Government of India ever considered the advisability of bringing this Observatory within the scope of the Ancient Monuments Preservation Act ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Will the Government be pleased to consider the advisability of taking such action now ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : If the Honourable Member assures me that he has the authority of the owner of the estate to say that Government should take action, Government will have no objection to consider it.

GUARDS OF THE ALLAHABAD DIVISION, EAST INDIAN RAILWAY.

52. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (*a*) Is it a fact that the East Indian Railway guards of the second grade of the Allahabad division were called for selection to the first grade at the divisional headquarters some time ago ?

(*b*) Is it a fact that many guards were rejected there on the ground that they have not passed the St. John's Ambulance test ?

(*c*) Is it a fact that there are a number of guards in the first grade who have not passed the aforesaid test and that this qualification was not insisted upon when the direct appointment of a large number of non-Indian guards was made to this grade ? Why has this rule been made now ?

(*d*) Do Government contemplate a revision of their decision in this matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I have called for certain information and will lay a reply on the table of the House in due course.

ACTIVITIES OF *Goondas* IN SIMLA.

53. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Is it a fact that the Imperial Secretariat Association at a meeting held at Simla on the 12th July, 1934 resolved that a deputation should wait on the Home Member to draw attention to the increasing activities of the *goondas* in Simla ? If so, did such a deputation wait upon the Home Member and, if so, with what result ?

THE HONOURABLE MR. M. G. HALLETT : A request for the reception of a deputation by the Honourable the Home Member was received from the Imperial Secretariat Association on the 13th July last. As the Honourable Member was very busy at the time, I received the deputation and, having heard its representations, addressed the Government of the Punjab.

SEAT FOR INDIA AT THE COUNCIL OF THE LEAGUE OF NATIONS.

54. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (*a*) Is Government aware that Indian public opinion has been demanding a seat on the Council of the League of Nations ?

(*b*) Is it a fact that this year China's term on the League Council will be over and a vacancy will occur ?

(*c*) Will Government be pleased to state what is the amount of India's and China's respective contributions to the funds of the League ?

(*d*) Is it a fact that China has defaulted in making her annual payments to the League, whereas India has been paying her contribution regularly and punctually ?

(*e*) Is it the intention of the Government of India to press for India's claim for securing at least one of the non-permanent seats on the League Council ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Government are aware that some sections of Indian public opinion have voiced the demand to which the Honourable Member refers.

(*b*) Yes.

(*c*) India, one million seven hundred and four thousand, two hundred and two Swiss francs; China, one million three hundred and ninety-nine thousand eight hundred and eighty Swiss francs.

(*d*) Yes.

(*e*) The Honourable Member is referred to Sir Brojendra Mitter's reply to the Resolution moved by the Honourable Sir Phiroze Sethna in this Council on the 14th July, 1930. For any further indication of Government's attitude in the matter it will be as well for the Honourable Member to await the debate on the Resolution on this subject which will be moved by the Honourable Mr. Sapru during the course of the present session.

ACCIDENTAL SHOOTING OF A MUHAMMADAN VILLAGER BY A MILITARY PATROL.

55. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Has the attention of Government been drawn to the news item published in *Advance* of Calcutta, dated the 5th May, 1934 (dak edition) under the captions " Shooting tragedy in forest ", " Moslem accidentally killed ", " Military picket's challenge to two men and sequel ", in which it is reported that a Muhammadan villager in Chittagong district was accidentally shot dead by military pickets in the reserve forests near Sitakundo ? If so, will Government be pleased to make a detailed statement about the tragedy and what steps have Government taken to see that such tragedies do not occur again ?

(*b*) What is the name of the Muhammadan villager ? Was he a Government servant ? If so, what was his business there at the time when the tragedy took place ?

(*c*) Have Government made any enquiry into the matter ? If so, what are their findings ?

(*d*) Have Government made any provision for the family of the dead man ? If so, what is the amount ?

(*e*) Was there any such tragedy in Chittagong in 1933 in which a Muhammadan lost his life, being accidentally shot down by the military pickets ?

(*f*) If so, did Government after that tragedy, issue instructions to the chief of the military pickets at Chittagong to ask his men to be very careful in future in the matter of opening fire on the village people whenever they were to be found running in panic on seeing the military pickets ? How far the instruction is being carried out ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) to (*c*). The report received from the Government of Bengal regarding this very unfortunate incident shows that a villager named Abdul Jabar was accidentally shot and fatally wounded by a military outpost in the Ramgarh-Sitakund Reserve Forest on the night of the 28/29th April, 1934, in the following circumstances.

Information was received that an important terrorist who invariably carried firearms, had planned to escape to Calcutta. His route was a lonely path through the forest with no human habitation for 10 miles. An armed picket was posted at a point on the path which is mainly used by the forest staff on duty and by Muhammadan villagers who hold permits to cut timber and bamboos in the Reserve. At about 7-30 P. M. the armed picket, lying in ambush, observed two Hindus who upon being challenged rushed into the jungle. The picket thereupon fired on them. Simultaneously a party of Muhammadan villagers was coming along the path out of view of the picket and unfortunately the deceased, who was in advance and apparently became confused on hearing the sudden firing, ran into the line of fire. He was shot through the chest and died shortly after. The rest of the party ran back and away from the zone of fire. The Government of Bengal, with whom the Government of India agree, consider that the firing on the two Hindus, one of whom was almost certainly a dangerous absconder was fully justified under section 3 (2) of the Bengal Suppression of Terrorist Outrages Act, 1932, and that no blame attaches to any one for the death of the Muhammadan villager.

(*d*) The Government of Bengal have sanctioned the following pensions and gratuities for the dependents of the deceased with effect from the date of his death :

(1) *Widow*—pension of Rs. 5 a month till re-marriage or death *plus* Rs. 3-8-0 a month on birth of expected child, payable till age of 16, if male and till marriage, if female, within that event lump sum of Rs. 100 to be invested for payment with interest accrued, on marriage.

(2) *Sister, aged 13* and (3) *Step daughter, aged 7* — pension of Rs. 3-8-0 a month each till death or marriage, with lump sum of Rs. 100 each to be invested and paid, with accrued interest on marriage.

(4) *Brother*—Rs. 100 as compensation and

(5) Rs. 100 for funeral expenses.

(*e*) and (*f*). The Honourable Member presumably refers to the incident on the 7th March, 1933 when two men were shot by a military patrol. Following that incident instructions were issued impressing on officers in command of

troops the necessity of taking precautions to ensure that orders to fire on unknown persons should not be given except in special circumstances. The circumstances of the two cases were dissimilar and in the present case the death of the villager was accidental.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: In spite of the order that was passed, why did such a tragedy occur?

THE HONOURABLE MR. M. G. HALLETT: They had information, as I have said, that an important terrorist was trying to escape by this route. They challenged this man as he came along and as he did not reply they fired on him. Accidentally the Muhammadan villager came in the line of fire and was shot.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: How did they know a terrorist was trying to escape?

THE HONOURABLE MR. M. G. HALLETT: The police had certain information and were acting on information they had received.

NUMBER OF INDIANS IN THE POLITICAL DEPARTMENT.

56. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will Government be pleased to state:

(*a*) The number of Indians at present employed in the Indian Political Service and the ratio which their strength bears to the full strength of the service?

(*b*) The annual rate of recruitment for Indians to the Indian Political Service?

THE HONOURABLE MR. R. E. L. WINGATE: (*a*) There are at present 13 Indians in the Political Department representing roughly 1/13th of its total strength.

(*b*) Normally 25 per cent. of the total annual vacancies in the Department are filled by Indians. This is the rate that was recommended by the Lee Commission.

(1) CONFERENCE OF EAST INDIAN RAILWAY EMPLOYEES AT LUCKNOW, AND (2) DISCHARGE OF BABU B. K. MUKERJI.

57. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is it a fact that a conference of the East Indian Railway men for the whole line was held on the 14th and 15th of April, 1934, at Lucknow?

(*b*) Will Government be pleased to state whether one B. K. Mukerji, working in Loco. Workshop, Charbagh, Lucknow, was one of the chief organizers of this conference?

(*c*) Will Government be pleased to state whether he was discharged within a fortnight after the conference without any reason being assigned for the dismissal?

(*d*) Will Government be further pleased to state whether the said B. K. Mukerji has up to this time been given any reasons for discharge or made aware of the charges against him?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have called for certain information and will lay a reply on the table of the House in due course.

EAST INDIAN RAILWAY UNION.

58. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (*a*) Is the East Indian Railway Union registered under the Trade Union Act and is recognized by the East Indian Railway Administration?

(*b*) Do Government propose to re-consider the case of B. K. Mukerji?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have called for certain information and will lay a reply on the table of the House in due course.

EXPRESS OR PASSENGER TRAIN FROM ALLAHABAD TO DELHI AFTER 7 P.M.

59. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is there no express or passenger train leaving from or passing through Allahabad to Delhi after 7 P.M.?

(*b*) Has the discontinuance of an express train proceeding westwards from Allahabad at about 10 P.M. caused a great deal of inconvenience to the travelling public in the eastern and central districts of the United Provinces?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The latest time table shows that the last train carrying passengers leaving Allahabad for Delhi is the Parcels Express which leaves at 19-5 hours.

(*b*) Government have no information. I have sent a copy of the question to the Agent, East Indian Railway, to consider whether any action is necessary.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is the Honourable Member aware that in the Parcels Express ordinary passengers are not allowed?

THE HONOURABLE SIR GUTHRIE RUSSELL: Only third class passengers are allowed.

INTER CLASS WAITING ROOM AT ALLAHABAD, EAST INDIAN RAILWAY.

60. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is the waiting room for the intermediate class passengers at Allahabad situated at some distance from the main platform and also outside the main platform? Does this arrangement cause inconvenience to intermediate class passengers?

(*b*) Do Government propose to construct a new waiting room for intermediate class passengers on the main platforms on both sides of the Allahabad railway station?

INTER CLASS WAITING ROOM AT PRAYAG, EAST INDIAN RAILWAY.

61. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is there no waiting room for intermediate class passengers at Prayag railway station?

(*b*) Is Prayag railway station a very important station with large passenger traffic?

(*c*) Do Government propose to undertake the construction of intermediate class waiting rooms for gentlemen and ladies at Prayag railway station?

THIRD CLASS WAITING HALL AT ALLAHABAD, EAST INDIAN RAILWAY.

62. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is Government aware that the waiting hall at Allahabad railway junction is a tin shed and causes very great inconvenience to third class passengers, particularly during the hot and rainy weathers?

(*b*) Do Government propose to improve it for the purpose of protecting the passengers from rain and hot winds?

THE HONOURABLE SIR GUTHRIE RUSSELL: With your permission, Sir, I propose to reply to question Nos. 60, 61, and 62 together. Government have no definite information on these points but they have forwarded the Honourable Member's suggestions to the Agent, East Indian Railway, for his information.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member lay on the table the reply he receives from the Agent so that we may know what has happened?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have no objection to doing so, Sir.

LACK OF REPRESENTATION OF THE MUNICIPAL BOARD, ALLAHABAD, ON THE UNITED PROVINCES ADVISORY COMMITTEE, EAST INDIAN RAILWAY.

63. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is there no representative of the Allahabad Municipal Board on the United Provinces Advisory Committee of the East Indian Railway?

(*b*) Has the Allahabad Municipal Board sent any communication to the Railway Board on the subject referred to in (*a*)?

(*c*) If so, what action has Government taken on that communication?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) There is no representative.

(*b*) and (*c*). No communication on the subject has been received by Government from the Allahabad Municipal Board.

CONSTRUCTION OF A RAILWAY STATION AT THE CITY-SIDE OF THE JUMNA BRIDGE, ALLAHABAD.

64. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is Allahabad a big religious centre?

(*b*) Is it a fact that there is no railway station on the city-side of Jumna bridge at Allahabad?

(*c*) Does this cause inconvenience to poor pilgrims?

(*d*) Do Government propose to construct a small railway station at the city-side of the Jumna bridge?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) and (*b*). Yes.

(*c*) Government have no information.

(*d*) The suggestion will be considered.

INCONVENIENCE CAUSED TO PASSENGERS AT ALLAHABAD DUE TO THE BENGAL AND NORTH-WESTERN RAILWAY STATION BEING TWO MILES AWAY FROM THE EAST INDIAN RAILWAY STATION.

65. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is Government aware that the passengers who have to travel on the Bengal and North-Western Railway are put to great inconvenience in as much as the Bengal and North-Western railway station is some two miles from the East Indian railway station at Allahabad?

(*b*) Do Government propose to connect these two railway stations?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Government recognise that some inconvenience is entailed by the distance between the two stations.

(*b*) The suggestion will be considered, but I can hold out no promise that any steps to remedy the inconvenience can be undertaken in the near future. The question is one primarily of expense and of how far it will be remunerative.

LACK OF PROTECTION ON THE PLATFORM OF THE BENGAL AND NORTH-WESTERN RAILWAY, ALLAHABAD.

66. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is there no protection on the platform at Allahabad, Bengal and North-Western railway station?

(*b*) Do Government propose to cover the platform?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) and (*b*). Government have no definite information, but the Honourable Member's suggestion has been forwarded to the Agent, Bengal and North-Western Railway, for consideration.

REASONS FOR DIFFERENCE IN RATES OF FARES ON STATE RAILWAYS.

67. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Will Government be pleased to state the reason for the different rates of fares prevailing on different State Railways?

(*b*) Do Government propose to introduce a uniform flat rate of fares on all State Railways?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The scale of fares now in force on each railway has been determined generally by each Administration after consideration of the financial and other considerations.

(*b*) Uniformity has not been considered necessarily as an ideal to be aimed at. Apart from the varying conditions on different railways, it can only be attained by reducing the fares on all railways to the minimum on any railway, which would involve a considerable sacrifice of revenue, or by altering the fares on all railways to correspond to the present average, which would necessarily mean an increase on some railways.

INCONVENIENCE CAUSED TO INDIAN CINEMA CONCERNS BY THE REFUSAL OF RAILWAYS TO GRANT TRAVELLING CONCESSIONS.

68. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (*a*) Is Government aware of the inconvenience caused to Indian cinema concerns by the refusal of Indian Railways to grant travelling concessions to them on the same terms as theatres, cinemas, etc.?

(*b*) If so, do Government propose to take any action in the matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (*a*) and (*b*). Professional entertaining companies travelling to give public performances are allowed certain concessions subject to a minimum of four concession fares being paid. Similar concessions are allowed on the State-managed Railways, *viz.*, the Burma, Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways, to film-producing companies, subject, however, to not less than 20 persons travelling by the same train when the journey is being undertaken for the production of films. Government have received representations for the minimum of 20 persons in a party to be reduced to four, but have been unable to accede to this request.

The question of concessions over railways other than the State-managed lines is one for consideration by the Railway Administrations concerned, who have been advised of the concessions allowed on State-managed lines.

EFFECT ON THE SUGAR INDUSTRY OF THE EXCISE DUTY ON SUGAR.

69. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Is Government aware that the levy of the excise duty on sugar has proved very detrimental to the industry in this country ?

THE HONOURABLE SIR ALAN PARSONS : No.

ACTION TAKEN ON THE REPRESENTATIONS OF THE MOTION PICTURE SOCIETY OF INDIA IN REGARD TO THE INDIAN FILM INDUSTRY.

70. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Will Government be pleased to state whether it has taken any steps and, if so, what, on the representations made by the deputation of the Motion Picture Society of India in regard to the Indian film industry ?

THE HONOURABLE MR. D. G. MITCHELL : The various requests made by the Society are under consideration.

VALUE OF GOLD EXPORTED.

71. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Will Government be pleased to state the total amount of gold exported from India within the last six months ?

THE HONOURABLE SIR ALAN PARSONS : Approximately 37 crores between the 1st of February and the 28th of July, 1934.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

72. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : (*a*) Will Government be pleased to lay on the table of the House the representations, if any, which it has made on the Zanzibar situation to His Majesty's Government ?

(*b*) Has Government received any communication, so far, in regard to the Zanzibar situation from His Majesty's Government ? If so, what is its nature ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) The Government of India regret that they are unable to comply with the Honourable Member's request.

(*b*) The substance of the correspondence has been given in the answer to parts (*b*) and (*c*) of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 17.

REPRESENTATION OF ASSAM IN THE POSTS AND TELEGRAPHS DEPARTMENT.

73. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Has the province of Assam meagre representation in the clerical cadre of the subordinate Posts and Telegraphs service ?

THE HONOURABLE MR. D. G. MITCHELL : Government are not aware that the facts are as stated by the Honourable Member. I may, however, inform the Honourable Member that since 1926 orders have been in force, in the Posts and Telegraphs Department, to the effect that candidates joining the subordinate Postal Service must belong to the revenue division in which they enlist. In 1933 these orders were made applicable to recruitment for subordinate services in all branches of the Posts and Telegraphs Department. Government consider that these orders are adequate to ensure the proper representation of local candidates in the Posts and Telegraphs subordinate services.

RETRENCHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.

74. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Will Government be pleased to state whether there is a proposal for retrenchment in the clerical cadre of the subordinate Posts and Telegraphs service ?

THE HONOURABLE MR. D. G. MITCHELL : Retrenchment in the clerical cadres of the Posts and Telegraphs Department has been going on for some time and is still in progress.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Will the Government be pleased to state if they are going to do this retrenchment without disturbing the proportion of the meagrely represented Assamese and other under represented communities ?

THE HONOURABLE MR. D. G. MITCHELL : I must ask for notice of that question.

TOTAL VALUE OF GOLD EXPORTED SINCE GREAT BRITAIN WENT OFF THE GOLD STANDARD.

75. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (*a*) Will Government be pleased to state the total amount of gold exported from India since Great Britain went off the gold standard ?

(*b*) Do Government propose to levy an export duty on gold in the interest of the country and unanimous demand of the public ?

THE HONOURABLE SIR ALAN PARSONS : (*a*) Approximately 206 crores up to the 28th of July, 1934.

(*b*) I would refer the Honourable Member to the reply given by Sir George Schuster to question No. 340 asked by Mr. Badri Lal Rastogi on the 1st of September, 1933.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I know the gist of that reply ?

THE HONOURABLE SIR ALAN PARSONS : Yes, Sir. The gist of that reply is that Government do not give advance information of their intentions on questions of taxation.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask, Sir, if the Government are reconsidering the question ?

THE HONOURABLE SIR ALAN PARSONS: The Honourable Member is again trying to get from me indirectly a statement which would certainly lead to considerable speculation in this country.

EVASION OF THE IMPORT DUTY ON UNDERVESTS BY JAPAN.

76. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that the All India Hosiery Manufacturers' Association, Cawnpore, has made a representation to the Member in charge of Commerce and Railways on the new devices adopted by Japan to escape 12 annas per pound duty on undervests ?

(*b*) Will Government be pleased to make a full statement on the points raised in the said representation and state what steps have been taken to meet the situation ?

THE HONOURABLE MR. T. A. STEWART: (*a*) Yes, Sir.

(*b*) The representation referred to deals with:

(1) the evasion of the specific duty on undervests;

(2) the import duty on knitted cotton pullovers, sweaters, coats, etc., and

(3) the possibility of a reduction of duty on fleecy vests to 35 per cent. *ad valorem*.

The first two points are now under the consideration of the Government of India, while with regard to the third, Government have decided that there is no good reason for a modification of the existing duties on fleecy undervests.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Am I to understand that the Government will take early steps in considering these points as they are losing a lot of money in the business ?

THE HONOURABLE MR. T. A. STEWART: I have said, Sir, that the matter is receiving the consideration of the Government of India. The Honourable Member must not assume that a decision has been taken either one way or another.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask a question about fleecy undervests ? On what grounds did Government come to the conclusion that there was no scope for change ?

THE HONOURABLE MR. T. A. STEWART: The grounds on which Government came to that decision, Sir, were in the first place that they were of opinion that this article imported from abroad was in effective competition with goods produced in India and in the second place they were not of opinion that the incidence of the duty on fleecy undervests was unduly burdensome.

FREIGHT WAR ON THE WEST COAST BY FOREIGN SHIPPING COMPANIES AGAINST SMALL INDIAN STEAMSHIP COMPANIES.

77. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that the members of the Committee of the Indian Merchants' Chamber have brought to the notice of Government the freight war waging on the west coast by foreign shipping companies against small Indian companies plying on the coast ?

(*b*) What steps does Government propose to take against them for safeguarding this Indian enterprise ?

THE HONOURABLE MR. T. A. STEWART: (*a*) A letter on the subject of the shipping position on the west coast has been received from the Indian Merchants' Chamber.

(*b*) The representations made by the small steamship companies in this connexion are receiving the consideration of the Government of India.

ESTABLISHMENT OF A PUBLIC SCHOOL IN INDIA.

78. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is Government aware of the scheme of a Public School, drawn up by the Honourable Sir Joseph Bhore ?

(*b*) How far has progress been made with this scheme and when is it expected to mature ?

(*c*) Where is this school going to be located and how far is Government committed financially ?

(*d*) Is it a fact that the scheme seeks to develop in the school an atmosphere distinctly Indian in moral and spiritual outlook and at the same time does not provide for instruction in the vernaculars ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*), (*b*) and (*d*). Government have no information beyond what has appeared in the Press.

(*c*) The Government of India have offered to give perpetual lease of the Chandbagh Estate at Dehra Dun for the proposed school on certain conditions and to sell the buildings on that site at a cost of Rs. 3·5 lakhs. The offer has not yet been accepted by the society.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Has the Government made this offer without examining the scheme ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Without examining the detailed scheme.

REPRESENTATION OF ASSAM IN THE POSTS AND TELEGRAPHS DEPARTMENT.

79. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (*a*) Will Government be pleased to state and lay on the table the number of posts in the following different grades of Posts and Telegraphs service in the province of Assam and how many of them are held by the natives of the province:

Superintendents of Post Offices.
Head Postmasters.....:.....Gazetted.
Head Postmasters.....Non-gazetted.
Sub-Postmasters.....Selection grade.
Inspectors of Post Offices.
Head Clerks to the Superintendents of Post Offices.
Divisional Engineer, Telegraphs.
Sub-Divisional Officer, Telegraphs.
Telegraph Masters.
Engineering Supervisor, Telegraphs.
Telegraphists.

(*b*) Will Government be pleased to state why the province of Assam has no representation up till now in the various grades of Posts and Telegraphs service referred to in (*a*) above ?

(*c*) Will Government be pleased to state whether any Assamese in the subordinate Posts and Telegraphs service has passed the different departmental examinations for appointment in the various grades of aforesaid service ? If so, how many of them have been provided with their due appointments up till now and, if not, why not ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) A statement giving the information asked for by the Honourable Member is laid on the table. Government have no information as to how many of these posts are held by "the natives of the province" and do not propose to obtain it as its collection would involve an undue expenditure of time and labour.

(*b*) In view of the reply to part (*a*) Government do not admit the statement made in this part of the question.

(*c*) Government have no information.

Statement referred to in reply to part (a) of the Question No. 79 by the Honourable Srijut Heramba Prosad Barua.

Superintendents of Post Offices	3
Head Postmasters (Gazetted)	*Nil.*
Head Postmasters (Non-gazetted)	9
Sub-Postmasters (Selection grade)	4
Inspectors of Post Offices	9
Head Clerks to Superintendents of Post Offices	3
Divisional Engineer, Telegraphs	1
Sub-Divisional Officers, Telegraphs	3
Telegraph Masters	2
Engineering Supervisors, Telegraphs	5
Telegraphists	38

ACCORDANCE OF PREFERENTIAL TREATMENT TO SUCCESSFUL DEPARTMENTAL CANDIDATES FROM ASSAM IN THE POSTS AND TELEGRAPHS DEPARTMENT.

80. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Will Government be pleased to give preferential treatment over others to the successful Assamese departmental candidates from Assam in filling vacancies in the various grades of the Posts and Telegraphs service ?

THE HONOURABLE MR. D. G. MITCHELL: In filling up vacancies in higher grades in the Posts and Telegraphs Department the promotion of departmental candidates is regulated solely by considerations of merit and seniority and Government therefore regret that they are unable to accept the Honourable Member's suggestion.

NUMBER OF BENGALIS, ETC., OF THE ASSAM VALLEY SPEAKING ASSAMESE APPOINTED TO THE POSTS AND TELEGRAPHS DEPARTMENT.

81. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Will Government be pleased to lay on the table a statement showing separately the total number of Bengalis, domiciled Bengalis and natives of the Assam Valley speaking the Assamese language appointed to the clerical posts in the Posts and Telegraphs Department in the Upper Assam, Lower Assam and the Surma Valley Division during the last ten years ?

THE HONOURABLE MR. D. G. MITCHELL: Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

ASSAMESE CLAIMS IN THE POSTAL DEPARTMENT.

82. THE HONOURABLE SRIJUT HERAMBA PRASAD BARUA: Are Government aware of an article under head "Assamese claims in the Postal Department" that appeared in the *The Times of Assam* during the month of July last and, if so, what action do Government propose to take in the matter ?

THE HONOURABLE MR. D. G. MITCHELL: Government have seen the article in question and have called for a report.

TRANSFER OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

83. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: With reference to the proposed transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi have Government ascertained whether the soil and climate of Delhi are more suitable than those of Pusa for carrying on research activities of an all-India character ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Yes.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member say what is the rainfall in Delhi and Pusa ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Notice.

LEGISLATION IN CONNECTION WITH RURAL INDEBTEDNESS.

84. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Have the Government of India received any memorial on behalf of the All-India Vaish Mahasabha and Vaish Conference protesting against the rural debt legislation pending before the United Provinces Legislative Council including the Encumbered Estates Bill as being unduly favourable to the debtors and highly prejudicial to the interests of the money-lenders and calculated to affect the general credit of the province ?

(*b*) Is it a fact that enactments of a similar nature are being taken up by the Provincial Governments and Provincial Legislatures of some other provinces also and that everywhere there is some resentment against such legislation, as alleged in the said memorial ?

(*c*) Have the memorialists prayed in the memorial to Government (*i*) that no sanction should be granted to enable the United Provinces Legislative Council to carry through the Encumbered Estates Bill in its present form and (*ii*) that the rural debt Bills should be withheld from being brought before any of the local Councils, and that legislation on the subject should be brought, if necessary, before the Central Legislature ?

(*d*) If so, what action have the Government of India taken in the matter ?

THE HONOURABLE MR. C. GOVINDAN NAIR: (*a*) Yes.

(*b*) Certain other Provincial Governments have undertaken legislation with a view to the relief of rural indebtedness. The Government of India have no information regarding the strength of the opposition to those measures.

(*c*) Yes.

(*d*) The matter is under consideration.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Government consider the question of all-India legislation in the matter?

THE HONOURABLE MR. C. GOVINDAN NAIR: I must ask for notice.

SHOOTING OF WILD CATTLE BY MR. WAUGH, PRESIDENT, NOTIFIED AREA COMMITTEE, SHAHDARA.

85. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Has the attention of Government been drawn to the recent press report alleging that Mr. Waugh, Honorary Magistrate and Chairman of the Shahdara (near Delhi) Notified Area Committee, shot down 72 cows and bullocks?

(*b*) Is it a fact that a public meeting held under the auspices of the Hindu Young Men's Association protested against the alleged action and resolved to invite the attention of the Chief Commissioner and the Deputy Commissioner of Delhi to the matter and to send copies of the resolution to the Government of India and the Punjab Government?

(*c*) Is it a fact that a black-flag procession carrying the skins of the cows alleged to have been killed by the President of the Notified Area Committee, Shahdara, paraded through the city of Delhi and culminated in a public meeting being held at Azad Park at which resolutions were passed condemning the alleged act of Mr. Waugh and asking Government to acquire the land on which the alleged shooting took place and turn it into a pasture land?

(*d*) Will Government please state the details of the alleged incident? What action do Government propose to take in the matter?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*d*). Government have seen several press reports of the incident but none so exaggerated as that to which the question refers. The facts are that a herd of wild and ownerless cattle had for a long time been doing damage to the fields round Shahdara. Mr. Waugh engaged men to catch them and when they failed, shot dead 11 of the herd. At the suggestion of the Chief Commissioner Mr. Waugh has resigned the posts of Honorary Magistrate and President of the Shahdara Notified Area. Government do not think that any further action is necessary. I may add that the New Delhi Hindu Sabha have expressed themselves fully satisfied by the action taken by the Chief Commissioner.

(*b*) and (*c*). Yes.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: May I know, Sir, if these wild cattle belonged to somebody or whether they were ownerless?

THE HONOURABLE MR. M. G. HALLETT: No, Sir. I said they were ownerless, which means they had no owner.

FREIGHT WAR ON THE WEST COAST BY FOREIGN SHIPPING COMPANIES AGAINST SMALL INDIAN STEAMSHIP COMPANIES.

86. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Is it a fact that early in July last the Commerce Secretary of the Government of India paid a visit to Bombay?

(*b*) Is it a fact that on this occasion the members of the Committee of the Indian Merchants' Chamber drew his attention to the freight war being waged on the west coast which endangered the very existence of the small Indian shipping companies plying on that coast?

(*c*) Is it a fact that the spokesman of the Committee stated to the Commerce Secretary as follows:

> "These small Indian steamship companies are operated by Indian agencies through the instrumentality of Indian capital, and as they are likely to be wiped out of existence owing to the freight war started by foreign vested interests, my Committee would request you to see that immediate and effective action is taken to safeguard the interests of Indian shipping"?

(*d*) Is it a fact that the Commerce Secretary promised that he would bring the position of the small steamship companies to the notice of the Commerce Member?

(*e*) If so, what action do Government propose to take to safeguard the interests of Indian shipping?

THE HONOURABLE MR. T. A. STEWART: (*a*), (*c*) and (*d*). The reply is in the affirmative.

(*b*) The Committee of the Indian Merchants' Chamber drew my attention to the present shipping position on the west coast.

(*e*) The matter is receiving the consideration of the Government of India.

BALLOT FOR THE ELECTION OF NINE MEMBERS TO SERVE ON THE COMMITTEE TO EXAMINE THE WORKING OF THE OTTAWA TRADE AGREEMENT.

THE HONOURABLE THE PRESIDENT: With reference to the appointment of nine Members to serve on the Committee to be appointed by this Council to examine the working of the Ottawa Trade Agreement, I have to announce that there are fourteen candidates for nine vacancies. I need not read out the names of the fourteen Members who have been nominated because the ballot papers will now be placed in Members' hands. I think most Honourable Members are well aware of the procedure now with regard to the holding of an election according to the principle of proportional representation by means of the single transferable vote, but perhaps it would be as well if they read the instructions at the foot of the ballot paper.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Sir, I beg your permission to withdraw from the election.

THE HONOURABLE THE PRESIDENT: The Council will note the Honourable Member's intention.

The election will now take place.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: If you will permit me I will withdraw my candidature for this election in favour of Mr. Suhrawardy.

THE HONOURABLE THE PRESIDENT: You cannot withdraw in favour of any particular individual. You can withdraw if you like.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I withdraw unconditionally.

THE HONOURABLE RAJA CHARANJIT SINGH: Sir, I also beg to withdraw.

(The election was then held.)

THE HONOURABLE THE PRESIDENT: The result of the election will be announced at a later date.

INDIAN DOCK LABOURERS BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I move:

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as passed by the Legislative Assembly, be taken into consideration."

The origin of this Bill is as follows. At the Twelfth Session of the International Labour Conference, which was held at Geneva in the summer of 1929, there was adopted a draft Convention concerning the protection against accidents of workers employed in loading or unloading ships. That draft Convention was placed before this Honourable House for its consideration on the 15th July, 1930. This House adopted a Resolution recommending to the Governor General in Council that he should examine the possibility of giving effect to the draft Convention and recommending that the results of this examination should be placed before the Council within 18 months. Steps were at once taken to give effect to this recommendation, but in the meantime certain other countries had discovered practical difficulties in giving effect to the Convention and the Government of India decided that as these countries had already approached the International Labour Office with a view to securing a modification of the Convention, that no further action should be taken pending a final decision on these representations. This Honourable House was informed of that decision in the month of March, 1932. In the Sixteenth Session of the International Labour Conference, which was held in 1932, the draft Convention was revised in some particulars and a revised draft Convention was adopted. It is this revised draft Convention that the present Bill seeks to give effect to and it has been drafted in its present form after consultation with Local Governments and important commercial and administrative interests mainly concerned. I believe that this Honourable House will agree with me that the objects of this Bill are in the highest degree praiseworthy. The occupation of a dock worker is a hazardous one and any measure which is designed to secure his greater safety in the course of his daily employment is one which must commend itself to all who have any claim to humanitarian feeling.

Turning to the Bill itself, the main points of the Convention are to be found in clause 5. Clause 5 gives power to the Governor General in Council to make

regulations to safeguard the dock labourer from practically every danger to which he may be exposed in his calling. It also provides that in the unfortunate event of an accident occurring, due provision should be made for the after treatment of the injured man. These regulations are in my opinion thoroughly exhaustive as they have been drawn up on the model of the British Dockers' Convention. They have also been considered by a very representative Committee at Geneva.

The regulations will be administered by Inspectors appointed under clause 3 of the Bill. It is proposed in this connection to utilise existing machinery and to appoint inspectors under the Bill officers of the Mercantile Marine Department and, if need be, factory inspectors. The other provisions of the Bill follow to a very large extent the model of the Factories Act. I need only refer to one clause, that is, clause 11. Whereas it is thoroughly appropriate that the Bill should apply to large ports like Bombay and Calcutta, it must be remembered that there are lesser ports in India where the amount of traffic is considerably less and the size of the ships visiting the port is also very small.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about Karachi?

THE HONOURABLE MR. T. A. STEWART: Perhaps a representative from Sind will give you his appreciation of the size of Karachi. Perhaps the Honourable Member has understood that I intended that this Bill should apply only to the ports of Bombay and Calcutta. That was not my intention. I was merely quoting those as examples of large ports. I am sorry if I omitted Karachi from that category. It might well be that the application of this Bill to the lesser ports would be unduly burdensome and section 11 gives the power of exemption in the circumstances set forth in that section. This Bill, Sir, is only one more example of India's desire to conform to the highest possible standards in the treatment of her labour, and I am sure that it will receive the whole-hearted acceptance of this House.

Sir, I move.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I rise to congratulate the Government in giving effect to the International Convention in the form of a Bill. I have one or two observations to make. I found from the questions put to the Honourable Member moving the Bill that Honourable Members wanted to know whether the Bill would apply to certain ports. The reason is not far to seek. The short title of the Bill is not happy. It is "The Indian Dock Labourers Act". I believe there are docks only in Bombay and Calcutta and the other ports have got only wharfs. The Bill is intended to apply not only to Calcutta and Bombay but to all the more important ports of India and the Bill would have been more happily worded if it is made clear and we had instead of the words "The Indian Dock Labourers Act" the words "The Indian Port Labourers Act." I am only making a suggestion; I have no amendment.

One other observation I have to make in regard to the principle of the Bill. Most of the provisions are left to the rule-making power of the Governor General. I have no objection to the power being given to the Governor

[Mr. P. C. D. Chari.]

General, but I would request Government to keep in mind in making regulations the welfare of labour and to see that proper protection is ensured to the labourers against accidents and in making rules they should generally follow on the lines adopted by more advanced countries for the purpose of safeguarding the labour employed in those countries.

I have got one other observation to make as regards the general provisions of the Bill. No doubt a provision is made for——

THE HONOURABLE THE PRESIDENT: We are discussing at this stage the general principles of the Bill only.

THE HONOURABLE MR. P. C. D. CHARI: I am only making general observations, Sir. As regards the inspection provided, I am not sure whether it would not be necessary to have a central inspecting authority which will be more effective in making inspections of the working at the various ports.

With these words, Sir, I support the Motion for the consideration of the Bill.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, the Bill is intended to protect workers employed in loading and unloading ships. It seeks to ratify the revised Convention of that very useful body the International Labour Conference. Sir, it is a useful measure on which the Department of Industries may well be congratulated by this House.

THE HONOURABLE MR. T. A. STEWART: The Commerce Department.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I am sorry. It is the Commerce Department that may well be congratulated. Loading and unloading ships is a dangerous occupation and it is the duty of the State to see that the workers are properly protected, that proper precautions are taken in this occupation by the authorities responsible for those occupations. The Bill is good so far as it goes, but there is just one observation that I should like to make and it is this. We have certain maritime Indian States. Now, Sir, I would request the Government to use their diplomatic influence with these States and ask them to come into line with us. I do not want the Government to interfere with the autonomy of these States. That is not my object. But surely the Political Department can use its diplomatic influence—and we know what that diplomatic influence means—with these States and it is just and right and proper that the Indian States should come into line with us in this matter.

With these observations, Sir, I give my hearty approval to a measure of far-reaching importance to the workers in this country.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, it is my misfortune that I always find some fault with things. I am in entire agreement with the Department of Commerce that this measure is a very beneficial measure and should be passed. The fault about this measure is that I do not find that the draft Convention on which the whole measure is based was placed in the hands of the Members of this House. If this had been placed in our hands, we would have been in a position to judge whether this portrays those conventions porperly or not. In the second place,

Sir, I find that the intricacies of the allocation of labour between the different departments of the Government have placed this Convention, which is for the welfare of labour not in the charge of the Department of Labour and Industries, but in charge of the Department of Commerce. That, Sir, gave me an idea whether it does provide for all the things which the dock labourers require or not. I wanted to find out whether the factory rules and the hours of work apply to them or not, and came to know that they did not apply. I am not satisfied about the present state of affairs regarding the hours of work of the dock labourers.

Sir, I always object to giving extensive power to the executive. My reason for that is that if we look into history we find that the Government of India has gradually developed from an autocratic body into a slightly democratic body; but we find, Sir, that there is slight difference between an actual law and the rules made thereunder and so they are apt to usurp the functions of the Legislature. One cannot deny the fact that the rule-making power is essential for every Act to be effective but when we find that in section 5 we have provided from A to X for all sorts of rules to be made by the executive it seems that we are simply asking the Legislature not to lay down the actual safeguards which we wish to be provided but we are simply giving directions to the executive. That direction, Sir, too would have sufficed if we had the privilege which the English House of Commons enjoys whereby rules made under the law are laid on the table of the House and if anyone wants to raise up a debate he can do so within a specified period.

THE HONOURABLE THE PRESIDENT: They are published in the Gazette of India.

THE HONOURABLE MR. HOSSAIN IMAM: With due deference, Sir, they may be published in the Gazette of India but we do not get an opportunity of discussing them unless we put in a Resolution on a non-official day. On an official day, we cannot do it. If we had that convention whereby all the rules passed by the Governor General, on all these Bills were to be laid on the table of the House and be subject to debate in advance within a specified period, all the objections that we have to the power of framing rules would be met. I make this suggestion not only for this Bill but for the consideration of the Government whether it will not be possible to make some sort of convention.

Sir, I also take great objection to the power vested in the Governor General to exempt in clause 1 certain ports from the provisions of the Act. If by exemption is meant that the rigours will be reduced one can very well appeciate it and can have no objection to the fact that the same amount of care is not required in a small port like Vizagapatam as is required for Calcutta but if, as I find from provision (*d*) of clause 5 and provision (*b*) of clause 11 the whole class may be exempted, well that would mean taking away with the left hand what we are giving with the right.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I welcome this measure but I am sorry to find that this important legislation was delayed—however, better late than never. Sir, the Honourable the Commerce Secretary demands that the Government should have the option of exempting certain ports. I wish he would kindly define

[Rai Bahadur Lala Ram Saran Das.]

what he means by the small ports. After all, at the big ports there are all sorts of facilities for loading and unloading ships. There are docks, there are cranes and trains and there is machinery to facilitate the process, but in the small ports where there are no docks or other facilities, the dangers there are greater than in more up-to-date ports. Therefore, Sir, I wish that the big ports should be clearly mentioned in the Bill and that the smaller ports should be clearly defined.

The Honourable Pandit Prakash Narain Sapru has remarked that we ought to seek the co-operation of the States in this matter. I am sorry the Political Secretary is not in his place at present, otherwise I would have asked him whether the States were circularized in this connection and supplied with copies of this Convention and asked for their views. In the present times, of course, nothing much can be done by dictation, but all the same I hope that in future when the co-operation of the States is sought they will be consulted and taken into confidence so that they may be ready to respond.

With these remarks, Sir, I support the Bill.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, I rise to support the Motion before the House. As a matter of fact, it is a beneficial measure which will help the labour interests in various parts of India and I am glad to find that the ports of various provinces, Madras, Bombay and Calcutta, have also agreed that this Convention should be confirmed.

Sir, there is only one suggestion in which I agree with many of my colleagues, and that is to bring the Indian States into line in regard to this beneficial measure. I hope the Government of India will try to see that Indian States also adopt this beneficial measure so that labourers working in the ports under the Indian rulers will also come in for the benefits of the provisions of this Act.

With these few words, Sir, I have great pleasure in supporting the measure.

THE HONOURABLE MR. T. A. STEWART: From the expressions of opinion, Sir, which I have heard I take it that it is the general sense of this Honourable House that the measure is a desirable one. I may however refer briefly to one or two points that have been raised. The Honourable Mr. Chari took objection to the short title. He was probably unaware that an amendment on that subject is to be moved and I shall withhold my remarks on that subject until the amendment is moved. The Honourable Mr. Chari was also of opinion that it would be advisable to constitute a central inspecting authority. The fact that it is proposed to employ existing machinery, I think, has much to be said for it on the ground of economy. If the Honourable Mr. Chari will refer to clause 6 of the Bill he will see that the inspection and the manner in which it is carried out will be under the supervision of a central authority.

The Honourable Mr. Sapru referred to the desirability of securing the co-operation of the Indian States in this matter. I do not know exactly what is the significance that he attaches to "diplomatic influence" but I can assure him that all proper steps will be taken to bring the desirability of this measure to the notice of maritime States.

The Honourable Mr. Hossain Imam has complained that this Honourable House was not given the opportunity of studying the draft Convention. It was on the 15th of July, 1930 that the following Resolution was adopted by this House:

"That this Council having considered:

(1) the draft Convention concerning the protection against accidents of workers employed in loading or unloading ships;

(2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships;

(3) the Recommendation concerning the consultation of workers' and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the result of this examination should be placed before the Council within eighteen months from this date".

I find it very hard to understand Mr. Hossain Imam's point. He complains bitterly also that Commerce Department has usurped the functions of the Department of Industries and Labour. The particular subject with which we are dealing in this Bill is pre-eminently a matter referring to ports which still are the concern of Commerce Department. The measure is not a comprehensive labour measure. It deals specifically with certain dangers which may arise and within the precincts of a port. Mr. Hossain Imam also complained of the vicious habit of legislating by rule. I do not think that he would have complained nearly so loudly had we not nearly exhausted the alphabet in going from A to X. Whatever may be the merits of his arguments in general, it would have been impossible to do anything else in the present Bill than what we have done.

Exception has also been taken to clause 11. It was held in some quarters that no exemption should be given. If Honourable Members will conceive the infinite variety of ports from the large ports like Karachi, Bombay and Calcutta to one of the minor ports on the Madras Coast, I think Honourable Members will agree that some latitude should be given as to requirements to be exacted from the bodies governing the ports.

12 NOON.

I think, Sir, that I have covered most of the points that have been raised and that I have nothing more to say.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, 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: The Question is:

"That clause 3 stand part of the Bill."

THE HONOURABLE MR. S. D. GLADSTONE (Bengal Chamber of Commerce): Sir, I desire to move the following amendment:

"That in sub-clause (*1*) of clause 3, after the word 'persons' the words 'or authorities' be inserted."

[Mr. S. D. Gladstone.]

Sir, with all the objects of this Bill I strongly sympathise, and all Honourable Members who have travelled over the sea in ships and who have watched the handling of a ship's cargo from some safe point of vantage, must have been forcibly struck with the dangers which are inseparable from the work of loading and unloading cargo. It was therefore a matter of much satisfaction that the Government of India decided to ratify the revised draft Convention of the International Labour Conference which was held at Geneva in April, 1932 and to introduce this year legislation to give effect to it.

The objects of the Bill now before the House are to make safer for the port labourers the hazardous work which they are daily called upon to do and a study of the Bill, particularly of the list of regulations in clause 5, illustrates the comprehensive nature of the proposals and the great scope for useful work which exists. But the success or otherwise of any measure of legislation depends upon the manner in which its provisions are carried out. In the case of this particular Bill, all will hang upon the efficiency of the system of inspection. To secure this efficient and smooth working it is essential first of all that the inspectors appointed shall be men with an intimate knowledge of the work which they will be called upon to perform. Principal Officers of the Mercantile Marine Department are to be appointed *ex-officio* inspectors and my opinion is that if the work involved proves to be more than these officers can cope with—as I understand will be the case—and it is necessary to provide some reinforcement —then the most effective as well as the most economical arrangement will be to appoint the various Port Trusts to look after the working of the Act, in conjunction with the Principal Officers of the Mercantile Marine Department. In some quarters there may be doubts about the wisdom of encharging Port Trusts to supervise themselves but their supervision will be exercised in conjunction with the Marine Department who will be an entirely outside and neutral party. The alternative would seem to be either the appointment of special officers for each port or the employment of factory inspectors. In my view neither of these alternatives is likely to be very successful. It would be difficult to define the authority of a special officer and so this method of dealing with the matter would not only be expensive but it is probable that it would also lead to friction and unsatisfactory results. With this method too there would seem to be a greater danger of confusion arising due to different regulations being made applicable to different ports.

The appointment of factory inspectors would be even less satisfactory because they have no knowledge of the work involved which will be so essential if any benefit is to accrue to the port labourers. It is also well known that factory inspectors, at any rate in Calcutta and Bombay are already overworked, and is it possible to expect them largely to add to their duties ?

Sir, the amendment under consideration in no way commits the Government of India to any special procedure. All that it is intended to do is to leave the door open to the utilisation of the services of Port Trusts as inspectors acting with Principal Officers of the Mercantile Marine Department should such an arrangement be deemed advisable in the future. I may mention that the

words " persons and authorities " are used elsewhere in the Bill and it is therefore only consistent that the same words should appear in clause 3.

Sir, I move.

THE HONOURABLE MR. T. A. STEWART : Sir, I regret that I must oppose this amendment, and for two reasons. The first reason—to which the Honourable Mr. Gladstone has made reference but I rather think that he has underestimated its importance—is that the Port Trusts who he suggests would be suitable inspectors will almost inevitably come within the scope of the Act themselves. Let me cite for example sub-head (*h*) of clause 5. Regulations under that clause will be directed against the Port Trusts in so far as they themselves are owners of cranes and hoisting gear for the purpose of loading ships and it is considered that it is highly undesirable that they themselves should be inspectors of their own work. There is, however, another reason why I oppose the amendment. If the Honourable Member had referred to subsection (*39*) in the general definitions clause of the General Clauses Act he would have found that " person " includes any company or association of a body of individuals whether incorporated or not. Therefore, Sir, apart from the merits altogether of having a Port Trust as an inspector under the Act, it is entirely unnecessary as the Act is now drafted to make the amendment which has been proposed.

THE HONOURABLE THE PRESIDENT : Amendment moved :

" That in sub-clause (*1*) of clause 3, after the word ' persons ' the words ' or authorities' be inserted."

The Question is :

" That that amendment be made."

The Motion was negatived.

Clause 3 was added to the Bill.

Clauses 4, 5, 6, 7, 8, 9, 10, 11 and 12 were added to the Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

" That clause 1 stand part of the Bill."

THE HONOURABLE MR. S. D. GLADSTONE : Sir, I desire to move the following amendment :

" That in sub-clause (*1*) of clause 1, for the word ' Dock ' the word ' Port ' be substituted."

I need not take up much of the time of this Honourable House in making my reasons for this amendment clear. In my opinion the present title of the Bill is highly unsuitable because there are only two cases in India, Calcutta and Bombay, where docks can properly be said to exist. There are, however, a number of other major ports to which the Act will undoubtedly be made to apply, and to my mind the question of correct naming is one of considerable importance when we are engaged in placing on the Statute-book an Act which will stand for an indefinite period, possibly for all time. At the ports of Madras, Karachi, Rangoon and Chittagong there are to the best of my knowledge no " docks " in the generally accepted sense of the term. By that I mean to say that the usual method of berthing ships at these ports is at wharves, not

[Mr. S. D. Gladstone.]

through dock gates, and even where docks do exist the workmen at such places for whose benefit this legislation is being enacted are employed not only in docks but within the limits of the port, which include the docks, and the majority cannot accurately be described as "dock labourers."

I understand that it was suggested during the proceedings of the Select Committee of the Legislative Assembly which was appointed to consider this Bill that the change of title, I am now suggesting, should be made, but that Government stated that the majority of the opinions of Local Governments to whom the question had been referred were in favour of the wording as it at present stands in the Bill. It is true that a specific reference on this point was made, but it is doubtful whether it really received the consideration it deserves, and I am able to state definitely that important shipping and other interests feel strongly that the word "Port" is more appropriate in this country than the word "Dock."

It may be observed that when this matter was referred to Local Governments and others for opinion special attention was drawn to the difficulty which the Government of India was experiencing, of finding a suitable short title for the proposed Bill. It was pointed out that such titles as "The Indian Dockers Act", "The Indian Docks Act", "The Indian Stevedores Protection Act" and "The Indian Port Transport Act" had been considered by Government but that they had decided that in all the circumstances the title "The Indian Dock Labourers Act" was the best. I venture to suggest that if "The Indian Port Labourers Act" had been brought to their attention as a possible alternative, this title would have been preferred by the majority of those consulted. It is without a doubt the better of the two.

Sir, I can find nothing in the draft Convention which in any way ties a country which decides to ratify it to any particular title for the legislation necessary to achieve this object, and I submit that as far as India is concerned the title "The Indian Port Labourers Act" is infinitely preferable to the title "The Indian Dock Labourers Act" which the Bill carries in its present form.

Sir, I move.

THE HONOURABLE MR. T. A. STEWART: I am sorry, Sir, again to find myself in opposition to the Honourable Mr. Gladstone, but I think that he has been in error in separating the word "dock" from "labourer." This is not a Dock Act, but a Dock Labourers Act. If he will think somewhat beyond the limits of India, if he will draw on his past experience, I think he will admit that the generally accepted term for a person carrying out the occupation of loading and unloading ships is "dock labourer." The operations of a dock labourer are not necessarily confined to docks. In London, as he may be aware, ships may be loaded at docks or they may not; but the fact that a dock labourer leaves the docks in order to go to a ship in the stream does not convert him from being a dock labourer into something else. For this reason I would hold that "dock labourer" is the preferable term. It conveys a notion with which we are all familiar. If we were to accept his amendment to make this The Port Labourers Act, it might easily be held that this should apply to all labourers in the port, including the employees of a Port Trust who are employed in maintenance

works, dredging, and so on. For these reasons, Sir, Government feel that they cannot accept this amendment.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I do not understand why the Government can not accept this really harmless amendment. When we find that between two Englishmen, Mr. Gladstone and Mr. Stewart, there is a difference of opinion——

THE HONOURABLE MR. T. A. STEWART: I am Scotch, Sir!

THE HONOURABLE MR. BIJAY KUMAR BASU: To us Indians, a Scotchman is as good, or as bad, as an Englishman! But when there is a difference between two of these gentlemen who claim English as their mother tongue, I think the Indian stands in a very difficult position. If "dock labourer" has got that technical meaning which the Honourable Mr. Stewart suggests it has, I think that Mr. Gladstone who is occupied in commerce in Calcutta and is the President of Bengal Chamber of Commerce and is a member of the Port Trust should have known that technical significance of the term. But Mr. Gladstone says that it has no such technical meaning. I think if this amendment is accepted it will be better for laymen. The objection that Mr. Stewart raised was, that if we call this The Port Labourers Act it would include those labourers who are employed by the Port Trust in doing other things than loading and unloading ships. If my friend's attention is drawn to clause 2 of the Bill, he will find that the processes and worker are defined. Worker means any person employed in the processes. Therefore the Act will be applied I suppose to the workers. The name Port or Dock Labourers Act would not matter.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Why change it?

THE HONOURABLE MR. BIJAY KUMAR BASU: I want to support the change for the benefit of Indians because there is this difference of opinion between these two gentlemen who claim English to be their mother tongue.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in sub-clause (*1*) of clause 1, for the word 'Dock' the word 'Port' be substituted."

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Before voting, may I ask, on a point of information, Sir, that this is a modest request——

THE HONOURABLE THE PRESIDENT: This is not the stage at which the Honourable Member can speak.

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN CARRIAGE BY AIR BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I move:

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to International carriage by air, as passed by the Legislative Assembly, be taken into consideration."

Sir, civil aviation is a bustling, noisy, ultra modern form of activity; but in some of its implications at least its history goes far back into the past. The law of the carriage of goods is a special form of the law of bailment, which was developed in great detail about 2,000 years ago by the Roman jurists. In England the lawyers proceeded to develop it in their own peculiar way and at a very early stage they found it necessary to frame special rules for the carriage of goods by common carriers, that is, persons who carried goods in horse-drawn vehicles. Special rules were accordingly framed defining with great accuracy the liabilities of common carriers and limiting those liabilities. As time went on, further developments were required to meet the growth of railways, which used steam-propelled locomotives to carry goods along iron rails. At the same time further developments were taking place on the sea and more special rules were devised for the carriage of goods by sea in ships. In India there was a very similar development. The law relating to common carriers was made in 1865 and it is one of the very oldest Acts on the Statute-book. Very shortly afterwards as soon as the railways were started in India special rules were framed for the carriage of goods by railways; several Honourable Members may have some unhappy acquaintance with the mysteries of the various forms of risk notes. In the latter half of the last century a further complication began to appear in the carriage of goods by sea. With the greater speed and tonnage of vessels, international voyages became more frequent and the maritime nations came to the conclusion that something should be done regarding the unification of the law relating to the carriage of goods by sea among the different maritime nations. Accordingly by 1925 a Convention was entered into at Brussels, whereby certain rules relating to the law of carriage of goods by sea were made uniform for all maritime nations signing the Convention. This Convention was adopted by India and was expressed in the Indian Carriage of Goods by Sea Act of 1925. I now come to the last development, that of civil aviation, whereby goods are carried under still another set of circumstances. The speed of aircraft is such that the territories of several Powers may be crossed in one day in the course of one flight; and very soon after the first development of civil aviation at the close of the Great War, it was realised that the nations should waste no time in getting together and framing rules for the unification of the law relating to the carriage of goods by air. Accordingly a conference was convened at Warsaw in 1929. It was attended by expert jurists from all countries in Europe, who drew up a Convention which forms the basis of this Bill. The Convention is limited in scope to international carriage, that is carriage where there are two or more recognised or agreed-upon stopping places on any one flight, lying in the territories of different Powers. The Convention gives the forms and conditions of passenger tickets, luggage tickets, and air consignment notes, and it limits in various ways the liabilities of the air carrier. I may mention that the liability of a passenger is restricted to 125,000 francs, which is equivalent at the

present rate of exchange to Rs. 22,000, and the liability for goods to 250 francs per kilogramme, which is under Rs. 20 per pound. The Convention has been signed and ratified by most of the powers with which we have dealings through the air, that is, the United Kingdom, France, Holland and Italy. The Convention has been examined in great detail in England, and also by the legal experts attached to the Government of India who consider that it is suitable to Indian conditions. The Bill itself consists only of a few formal clauses giving effect to the schedules, and the schedules contain the whole of the substance, almost word for word, of the international Convention. Besides that, sub-clause (*4*) of clause 2 gives the Governor General power to extend the scope of the schedules from international carriage to purely internal carriage. These rules are suitable to govern internal carriage by air, and it is deemed desirable to have the law clearly defined in this respect. Take a case when our own Indian Trans-Continental Airways books two passengers from Delhi, one to Singapore and the other to Calcutta. One passenger would be on an international flight and the other would not, but it is clearly desirable that they should both be subject to the same law. Hence the Bill gives the Governor General power to apply the schedules to internal transport with such modifications as may be desirable.

Sir, I move.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, on a point of information? May I ask the Honourable Mr. Mitchell why India was not a signatory to that Convention?

THE HONOURABLE MR. D. G. MITCHELL: I am afraid I could not tell the Honourable Member off-hand but he must remember that there are many of these Conventions going on now, in some of which India has a distinct interest, while in others, of the nature of the Convention under discussion where it was a pure matter of a law, India has no particular point to represent.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, this measure is a very useful and a necessary one as we are framing the control of carriage by air similar to what we have in carriage by land and sea. I understand almost every country has agreed to this Convention and so India ought to do the same.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, may I ask the Honourable Mr. Mitchell if these papers were placed before the Advisory Committee of the Department of Industries and Labour?

THE HONOURABLE MR. D. G. MITCHELL: Yes, it was. I have nothing more to add, Sir.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to International carriage by air, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

The First Schedule (Chapters I to V), was added to the Bill.

The Second Schedule was added to the Bill.

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 MR. D. G. MITCHELL: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

SEA CUSTOMS (AMENDMENT) BILL.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I move:

"That the Bill further to amend the Sea Customs Act 1878, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

This small measure, Sir, has been before the country since last January and I think I can say that it has evoked no criticism and in fact very little comment. I find it difficult myself to say much about it beyond what is shown in the statement of objects and reasons. The object of drawback provisions in our own Sea Customs Act and in the Sea Customs Acts, I think, of all countries is to provide that persons who import goods for sale and find no market in this country should be able to re-export them to another market without the heavy penalty which the payment of full customs duty would involve. Under our present law, however, those drawback provisions are also applicable to goods which have passed into this country, have been sold in this country and used in this country; and they can in certain circumstances be re-exported under drawback and the amount of customs duty they will have paid, even though they may have lost almost the whole of their value, will be negligible.

I do not propose to weary the Council with many instances of the type of transaction which this Bill is meant to prevent. Government took up the matter chiefly because of the effect of the re-exportation of cinematograph films. I am not myself a cinema fan, but I understand that films become stale after about two years. They have been shown up and down the country, they have been seen by everybody who wants to see them and have lost most of their value; but in present circumstances, they can be re-exported and seven-eighths of the duty which they had paid on coming into the country will be refundable to their owners. The effect of this has been of course to compel the nascent industry of film production in this country to meet a much more stern competition from outside films; and it is really because of the effect on the cinematograph industry that Government took up this matter. There is really very little more that I can say with regard to this Bill. We do not propose in the Bill that no drawbacks should ever be allowed. We merely take powers to make rules with regard to any particular article, and particularly, after an amendment which has been moved and accepted by Government in the Legislative Assembly, we have made it clear that we do not propose to issue these rules without full and prior consultation with the industries concerned.

Sir, I move.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I am in entire agreement with this Bill, but I wish to ask certain questions on which I hope the Honourable Member will enlighten us. In the Sea Customs Act, section 43, we find that when any goods having been charged with the import duty at one customs port are then re-exported, then they can ask for a rebate. I want to know this. There are certain ports in India the income from which does not accrue to the Government of India alone. For instance, the port of Cochin. The income from this port is divided between the Government of India and the Cochin and Travancore States, will a thing imported through that port and re-exported through a British Indian port be entitled to get a return of duty from the British Indian port or not? That is the first question.

Secondly, I want to know what goods Government contemplate taking away from the original state of things. The instances which the Honourable Member has given are of motor cars and cinema films——

THE HONOURABLE SIR ALAN PARSONS: I did not mention cars.

THE HONOURABLE MR. HOSSAIN IMAM: It was mentioned in the other House. We want to know, Sir, whether such goods which are really not in use and are re-exported—if they will be subject to these restrictions or whether they can be returned outside India with only payment of one-eighth duty? For instance, Sir, there were many articles mentioned in the debate in the other House which I need not repeat here and of which the Honourable Member will know.

Thirdly, Sir, I wish to find out from the Honourable Member what this power of—

"prohibiting the re-payment of duty as drawback on any such goods or class of such goods"

means. This is rather a stringent power and when action is taken, I hope that at least the Honourable Member will lay those rules on the table of this House.

THE HONOURABLE SIR ALAN PARSONS: Sir, I wish my Honourable friend had given me notice with regard to the position of ports which are not British Indian ports. Of course, certain ports are entirely in the States. With regard to Cochin which he mentioned, I am sure that the position will be exactly the same as in regard to ports in British India and I should not anticipate any trouble as far as Cochin is concerned.

THE HONOURABLE MR. HOSSAIN IMAM: What about Kathiawar ports?

THE HONOURABLE SIR ALAN PARSONS: I am afraid I am not in a position to say categorically what the position is with regard to other ports in Indian States. But my recollection is that they are under an obligation to follow exactly the same rules as we do in our own ports. That is a question of which I should have liked to have had previous notice. I will, however, have the position looked into and inform my Honourable friend what it is later on in the course of this session.

With regard to the second question, we certainly intend to apply this Act to articles other than those which have been mentioned as instances, films and motor cars.

[Sir Alan Parsons.]

With regard to the third question, we do not propose to do anything without a careful examination of the circumstances relating to each article and without giving the interests and trades concerned on each occasion an opportunity of expressing their views to Government. That is in reply to the question whether we propose to prohibit under clause 2 (*b*) the repayment of duty as drawback or whether we propose to allow merely a repayment of a smaller sum.

I am afraid I cannot undertake to lay on the table of the House as suggested by my Honourable friend the rules which we propose to issue.

THE HONOURABLE MR. HOSSAIN IMAM: No, Sir; I was only referring to clause 2 (*2*) (*b*).

THE HONOURABLE SIR ALAN PARSONS: I am afraid I cannot agree even with regard to clause 2 (*2*) (*b*) to lay on the table of the House the rules which we may issue with regard to the prohibition of the repayment of duty. There will be full opportunity given for representations by previous publication in the Gazette.

THE HONOURABLE MR. HOSSAIN IMAM: May I know one point? I want to know whether Indian ports are for the purposes of this Act regarded as British Indian ports as they are internationally done now. Internationally they are regarded as British Indian ports.

THE HONOURABLE SIR ALAN PARSONS: I think not, Sir. Mr. Stewart, who is much better acquainted with this subject than I am is under this impression.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill further to amend the Sea Customs Act, 1878, 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 SIR ALAN PARSONS: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN AIRCRAFT BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I move:

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as passed by the Legislative Assembly, be taken into consideration."

Sir, the present Act is dated 1911. At that time aviation was a new development. If we look at the contents of the Act of 1911, we will see that the first reaction of Government to civil aviation seems to have been one of fright. The contents of the Act, apart from two preliminary and three formal sections

at the end, consist of one very exiguous rule-making power, four sections giving powers to prohibit most things done by airmen, powers to seize, detain and search aircraft and powers to cancel licenses. Then follow four sections of penalties, and that is the whole of the present Act. I do not know of any other Act on the Statute-book which has so quickly become so completely antiquated and inadequate, except perhaps, Sir, in the opinion of the interests concerned, some of the Acts to protect the cotton textile industry. As a few examples of the inadequacy of the Act I may mention that though it gives power to control aircraft, it gives no power to control aerodromes. To take a marine analogy, a similar position would arise if the law gave power to control ships but did not give power to control or regulate ports. Again we have no power to make investigations into accidents. As a matter of fact we do investigate these accidents but we have no statutory power to do so. In numerous other respects the Act is lacking and inadequate. We are carrying on, however. We have made many rules, some of which are of somewhat doubtful legality, and we have issued many orders and instructions, and we are getting on fairly well, due very largely to the fact that airmen, though they do make a confounded noise, are in other ways very decent and law-abiding citizens. Twenty-three years have passed since the present Act came into force and the outlook towards aviation both on the part of Government and of everybody else has very considerably changed. There has been an enormous development of civil aviation in India. We have now three international lines crossing India between Karachi and Rangoon. There are three internal air services and several more are under negotiation. Government still wish to control civil aviation as it unquestionably has its potential dangers, but they also wish to encourage it, and the present Act is inadequate for both purposes.

In recent years a new factor has entered into the situation, that is the International Convention for the Regulation of Aerial Navigation, which was signed at Paris in the year 1919. Immediately after the war there was a sudden development of civil aviation activities and the countries of Europe and of America realised that it would be a very excellent thing indeed if some international agreement could be come to whereby the airworthiness of aircraft and the competence of the personnel operating aircraft could be secured, and whereby also a unified system of what may be called the "rule of the air" could be agreed to by all countries. To this Convention India was a party and the Bill is now intended among other things to arm the Governor General with the necessary powers to give effect to the Convention. The Convention, if I may give a brief description of its purpose and contents, opens with a very important declaration that:

"The high contracting parties recognise that every power has complete and exclusive sovereignty over the air space above its territories".

Having admitted the sovereignty of the air, however, the Convention immediately proceeds to avoid the undesirable consequences of the doctrine by declaring that:

"Each contracting State undertakes in time of peace to accord freedom of innocent passage above its territory to aircraft of other contracting States, provided that the conditions laid down in the present Convention are observed".

The Convention then proceeds to require that aircraft, with certain exceptions, should have certificates of airworthiness and that personnel operating

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aircraft should have certificates of competency. It also gives in its annexures a mass of regulations designed to secure the safety of the air, the standards required for pilots, the marking of aircraft, the lighting of international routes and a multiplicity of other details. At the same time it establishes what is known as the International Commission for Aerial Navigation whose duties are to overhaul and amend these regulations from time to time.

I think, Sir, it will be fairly obvious to Honourable Members that our present Act which contains, apart from prohibitions and penalties, only one very small rule-making clause, is insufficient to meet modern developments and the needs of this very important International Convention. As regards our international obligations, to give two examples only, the present Act gives us no power to reciprocate in the matter of certificates of airworthiness and certificates of competency; and it gives us no power to control lighting in and about international airways.

As regards the contents of the Bill, I have already indicated several of the points which required to be covered. These have all been covered by the Bill. Apart from these, the chief feature is a very comprehensive and elastic rule-making power which is designed to enable the Governor General in Council to meet further developments as they occur. Another small but very important feature is the declaration of freedom of the air for the purposes of internal law. Clause 17 lays down that no airman shall be liable to be sued merely because he flies over another man's property, if he flies at a reasonable height and in a reasonable manner.

Sir, I move.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, this new Bill in connection with the control of aircraft is a very welcome piece of legislation and I think in the form in which it comes before this House, it may be said, speaking generally, that it is quite satisfactory.

It must be admitted that the powers conferred under the Bill are very wide, but as aviation may be said to be still in its infancy, this is unavoidable as it is impossible to frame rules to fully cover all instances that may arise from time to time and which cannot be foreseen at this stage. There are, however, two points I should like to raise, and in doing so I wish to make it clear that I am raising them personally on my own responsibility and not after consulting the Bombay Chamber of Commerce.

The first is in connection with clause 3. The powers of exemption given in this clause are very wide and although in the notes on clauses appearing at the back of the Bill an explanation is given and instances quoted where relaxation of certain rules might be necessary, the powers are not confined to such instances and full discretion is given to grant exemptions wherever it may be considered expedient to do so.

I should like the assurance of Government, however, that only in very special and exceptional circumstances would relaxation of the rules be permitted, where prompt action was essential, such as quoted in the explanatory note or in the case, say, of world flights, aero circuses and similar occasions. Also that such exemption when granted would only apply to the particular instance for which it was given and that if another similar occasion arose, application would again have to be made and exemption only granted if it was expedient to do so.

1 P.M.

In the event of it being found desirable to retain such an exemption more or less permanently, will Government undertake to provide for this in the rules and in such case to take steps under clause 14 which provides for previous publication for a period of not less than three months, thus making it possible for objections to be submitted to Government to which consideration would first be given before making the proposed addition or alteration to the rules?

My next point is in connection with clause 6 (2) which originally left compensation to be determined by an officer of Government appointed by the Governor General in Council. This was changed by the Select Committee appointed by the Legislative Assembly to consider the Bill, from "officer" to "authority" in which form the clause comes before this House. This is an improvement, I think, but still leaves the "authority" somewhat uncertain. I understand, however, that the intention is that the authority would be a court of law, but if this is so I would submit that, generally speaking, this would lead to delay and considerable expense. I suggest that arbitration would be a more expeditious and satisfactory method in most instances, one arbitrator to be appointed by Government and the other by, say, a chamber of commerce or perhaps a recognised flying club. It should be stipulated also that these arbitrators should appoint an umpire to make an award in case they were not able to arrive at a unanimous decision. It would of course be understood that both the arbitrators and umpire must have the necessary qualifications. Will Government agree that this method of settlement should be adopted whenever possible and that otherwise such matters will be referred to a court of law?

I trust in replying, my Honourable friend Mr. Mitchell will deal specifically with these two points raised by me as I consider they are important and unless I am satisfied as to the intention of these clauses I shall not feel in a position to give my support to the passing of the Bill in its present form.

May I in conclusion express my great satisfaction at the statement made a few days ago by the Honourable Sir Frank Noyce in another place in regard to Government's proposed programme of capital expenditure in connection with the development of civil aviation. This is long overdue but at any rate I am sure all Honourable Members of this House will support me in thanking Government and Sir Frank Noyce in particular for taking this active and practical interest in this important step to improve communications in this vast continent. I hope Government will shortly adopt similar active measures in regard to developing road communications, a most vital and urgent matter requiring the adoption of a broad and generous policy.

THE HONOURABLE MR. D. G. MITCHELL: Sir, of the two points raised by the Honourable Mr. Miller, the first relates to the exercise of the power to grant exemptions. I may assure him straightaway that neither Government nor the Civil Aviation Directorate have the slightest intention of giving exemptions except in cases where they are really needed. An exemption will be

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given in the most restricted manner possible. There is no question of making a general exemption merely in order to meet a special case. Further, I may also assure the Honourable Mr. Miller that if any particular form of exemption should become permanent and general, and if it is at all possible to bring that exemption within the limits of a formal rule, then most unquestionably that step will be taken and the exemption will be changed into a rule. This will be in the interests of the Civil Aviation Directorate as well as of the general public. The second point he raised related to the method of determining compensation under clause 6 (*2*). The Honourable Mr. Miller would like an assurance that Government will refer to arbitration whenever possible. I think, Sir, the clause as it reads will cover that particular method of the determination of compensation. I think it will be possible for Government to appoint an Arbitration Tribunal and for that Tribunal to be regarded as the "authority" under the sub-clause. If that is so—and I think it is so—then I may assure the Honourable Mr. Miller that in cases where arbitration will be a suitable method of determining the dispute, Government will be only too glad to refer these cases to arbitration. I would, however, point out to him that arbitration will not be suitable in all cases. There may be many instances in which the compensation is only fifty or a hundred rupees, and a short inquiry by an officer of Government will obviously be the most suitable means.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I only wanted to emphasise what fell from the Honourable Mr. Miller, but I find that the Honourable Mr. Mitchell has answered all the points raised by the Honourable Mr. Miller in his speech—and I think—satisfactorily. We certainly do not want exemptions to be general, but if they are to be made general, we would like before Government do so to give the public a chance of criticising their action and to say whether they would appreciate such an exemption being made permanent. I am also glad that the Honourable Mr. Mitchell has accepted the suggestion in regard to arbitration; that is very necessary. Then, Sir, I too would like to repeat what the Honourable Mr. Miller said, namely, that we welcome this Bill. Aviation is, comparatively speaking, a very modern science. It has existed now for not more than 25 or 30 years, but it has made very wonderful strides indeed, so much so that in another generation we will not be surprised if it becomes a serious rival to the railway companies, steamships and motor vessels. Another point to which I would like to draw the attention of the House is that Indian youths are taking very kindly to aviation and that is a very happy sign. Unfortunately at the present moment there is not enough scope for them for employment but we do hope that because of the reference made by the Honourable Mr. Mitchell to international air lines passing through India as well as of internal services which have been set up in the countries such opportunities will arise and many Indians will be engaged as pilots, ground engineers, etc.

I welcome the Bill, Sir.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 20 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I move:

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as passed by the Legislative Assembly, be taken into consideration."

This Bill, Sir, is a corollary of the Matches (Excise Duty) Bill, which was accepted by this Council last session. As a result of that duty, there is a danger both to the manufacturers of matches in this country, to whom protection has been given, and also to the revenues which we hope to derive from the match excise duty, either from the importation of a large number of cheap mechanical lighters or from the possible creation of a mechanical lighter industry in this country. On my information there is no such industry now. To meet these dangers, both from the point of view of the Government revenue and from the point of view of the important match industry, this Bill proposes to impose an excise duty on each mechanical lighter of Rs. 1-8-0 with, of course, an equivalent addition to the customs revenue. I do not think there is anything more I need say in justification of this measure.

Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, on the very principle of the levy of an excise duty on mechanical lighters I oppose the Bill. It is the accepted principle of all economists of all countries that excise duty is levied on an industry in very abnormal circumstances. Further the excise duty is only levied on such articles the industries of which have attained perfection and can bear a duty without endangering their existence and development. But unfortunately, Sir, here in this Bill we are asked to give our consent to the levy of a very heavy excise duty on an article which is not manufactured in the country at all. This Bill was brought before the other House during the last budget session and was being rushed through when my friend Mr. Bhupat Sing brought in a motion for the circulation of the Bill raising the objection on the levy of an excise on an article which is not manufactured in the country.

Sir, from the opinions received from different bodies and officers of the Government a substantial and an influential portion amongst them are against the very principle of excise duty. Sir, I have no difference of opinion with the Honourable the Finance Member when he stated in the other House that the Bill is required for checking the development of the use of mechanical lighters.

[Mr. Jagadish Chandra Banerjee.]

I also join issue with him and say that take all steps possible to stop the increase in the use of mechanical lighters and that can very well be effectively done simply by the levy of a heavy import duty as envisaged in clause 16 of the Bill. I can even go further and say that if necessary levy a higher rate of import duty than what you have proposed. Because in that case indirectly it will produce a double effect ; firstly, it will work as a protection to the development of an industry which is yet unknown in the country, and secondly, it will save the match excise revenue by checking the use of the development of the use of mechanical lighters, and thirdly, the heavy import duty will stop the draining out of Indian resources which goes out of India as the price paid for the importation of such lighters. But what I strongly object to is the principle of excise on an industry which is not yet born and by means of which Government desires to shut the door of the development of such an industry in the country for all time to come. Sir, that is not all. This House is being asked to give their consent to a principle which would be creating a very undesirable precedent. The only cogent argument of Government in favour of the Bill is to see that the match excise revenue may not be affected. I also wish to see as much because on the very yield of match excise revenue depends the refund of jute excise duty to my province as promised by the then Honourable Finance Member during the last budget discussion. In this particular case Government themselves have admitted in the statement of objects and reasons of the Bill that there is not a single concern in the country at the present moment which produces in India mechanical lighters. Government's only apprehension appears to be that the match excise might give incentive to the industrial magnates of the country to establish such an industry. Here also I join issue with the Government and boldly say that let the industry be established first and let the Government watch carefully whether match revenue is being affected appreciably by the development of such an industry. If it does, well the Government can always bring in legislation before the House and get it passed by the Legislature which during these last fifteen years have given ample proofs of their support to reasonable legislation. But, Sir, the present or the future Legislatures can never agree to such a legislation by which the door of establishing such an industry is closed for ever in the country. Here, at this stage, with your permission, Sir, I will read some of the extracts from the opinions received from some of the important officials of the Government and the trade associations and the chambers of commerce who also are strongly opposed to the principle of excise duty. With your permission, Sir, from Paper No. I, I will read the opinion of the Excise Commissioner, Burma. It reads as follows :

"In January, 1934, enquiries were made from Deputy Commissioners whether the match revenue was likely to be affected by the extension of the use of lighters. Almost all Deputy Commissioners were of the opinion that the match revenue would not be appreciably affected ".

Then he went on giving statistics and the whole trend of his argument and the statistics produced by him show that only heavy import duty is required. I also agree wholeheartedly with that view. It further shows that the use of mechanical lighters cannot increase in an illiterate country like India to such an extent that it may affect the match excise revenue appreciably.

But as we agree about the heavy import duty on mechanical lighters the question of the increase in the use of mechanical lighters does not arise.

Then, Sir, I come to the opinion from the Government of the United Provinces. It stated as follows :

"As regards the principle underlying the Bill, I am to point out that though it is essential to safeguard the interests of the match industry, the excise duty levied on mechanical lighters should not be so high as to prevent altogether the development of this new industry ".

Next I quote the opinion received from the Merchants' Chamber of the United Provinces, Cawnpore. It reads as follows :

"The Council of this Chamber, while approving and appreciating the objects underlying the Bill, wish only to point out that the licenses contemplated under section 7 to be granted to manufacturers of mechanical lighters within India should not be too strictly doled out, if the manufacturers of such mechanical lighters are really Indians and are sincerely at the task with a view to further the interests of Indian industries ".

It appears from the above that there is nothing to show in the Bill which proves that Government will not put further obstacles in the grant of licenses required under section 7 for the establishment of such an industry.

I now come to the opinion of the Government of the Punjab which reads as follows :

"The Governor in Council is inclined to question the view in the statement of objects and reasons that there is serious danger that, with the imposition of a considerable duty on matches, there will be an abnormal development of the use of mechanical lighters. Of the 300 millions in India who use matches only a very small proportion are likely to buy a mechanical lighter and maintain the necessary supply of petrol with which to replenish it, and it is probable that these lighters will always be articles of luxury possessed by a class whose consumption of matches is not materially reduced. The question really is whether it is desirable to pass the measure by way of warning to prevent an industry being established, which if it succeeded in establishing itself might require Government to impose taxation which would have the effect of killing it ".

The above opinion supports my view that the Bill is more or less designed not to check the development of the use of mechanical lighters but is really designed to shut the door of the future development of the industry in India. No Indian can ever agree to this dubious method of slamming the door against the development of new industries.

In support of my contention I further quote the opinion of the Simla Trades' Association, Simla, which read as follows :

"The Simla Trades' Association is of the opinion that the Bill is uncalled for, in that the industry has not yet developed in India and a verdict of the kind proposed should not be passed. In the course of industrial development many new factors arise and if at any time the development of this new industry can be profitable to the country there is no reason why a prohibitive excise duty should prevent people from thinking in terms of its development. We fear that the Bill amounts to putting the cart before the horse and we suggest that the measure be dropped for the present. We do not suspect that there will be any danger to the excise revenue from matches and are of the opinion that if and when such a danger arises the Legislature can be approached for necessary powers ".

It clearly shows that my apprehensions are also shared by many trades associations and chambers of commerce. In support of my argument I quote further the following opinion received from the Indian Chamber of Commerce.

[Mr. Jagadish Chandra Banerjee.]

Lahore, of which the Honourable the Leader of my Party is also a member, and which reads as follows :—

"This Committee have considered the various clauses of the Bill and they strongly protest against the imposition of a very high excise duty of Rs. 2 per each lighter as provided in clause 3 of the Bill. No doubt no industry of this type is in existence yet in India but to impose a high duty in anticipation is most objectionable. From this my Committee conclude that the Government of India are not in favour of starting this industry by Indians when the mechanical lighters are being manufactured side by side with match industry in foreign countries. The speech of the Honourable Finance Member has not made out any case for killing the industry before it is started ".

Then, Sir, when I come to Paper No. II I cannot help quoting the opinion of the Marwari Association, Calcutta. It reads as follows :

"My Committee fear a drastic measure like this will only make the starting of this industry impossible in India without serving any useful purpose and they therefore regret their inability to support the Bill ".

Close on their heels follows the opinion of the United Provinces Chamber of Commerce, Cawnpore. It reads as follows :

"The apprehension of the Government that there will be an abnormal development of mechanical lighters, and it would mean loss of duty and interference with the business of the Indian match industry, is groundless, there being at present no industry for manufacture of mechanical lighters in India.

"My Committee are of opinion that the time is quite inopportune for the enactment of such a Bill, and strongly oppose the whole Bill, and urge upon the Government to withdraw it '.

In coming to Paper No. III which contains mostly the opinions of district officials I do not like to tire the House by quoting them but I cannot help quoting the important opinions of one or two officials as well. I read the opinion of the Assistant Collector, Southern Division, Satara. It reads as follows :

"The statement of objects and reasons shows that at present there is no established industry of this nature in India. It seems, therefore, not advisable, in my opinion to discourage establishment of an industry of this nature. In order to safeguard the receipts from the excise duty on matches, I think that if a heavy import duty only is levied it will be sufficient and this will still leave some scope for an enterprise in India of a mechanical lighter manufacturing concern ".

Then, Sir, to my mind the most sensible view has been adopted by Mr. Holt, the Personal Assistant to the Collector of Ahmednagar. This is what he says :

"I am not sure that I understand what is meant by 'an abnormal development of the use of mechanical lighters'. Any 'abnormality' that may be discerned in that development will be, it is suggested in the statement, the result of the abnormal duty on matches, and the most efficacious method of restoring normal developments would apparently be the removal of that duty ".

In his opinion if there be development in the use of mechanical lighters which may affect the match excise revenue then the best course is to do away with the match excise.

Last but not the least important is the opinion of the Indian Merchants' Chamber. It reads as follows :

"They feel that there is no justification for the imposition of an excise duty on the manufacture of such lighters. Even on Government's own admission, there is not as yet in the country any established industry for the manufacture of these lighters. There is therefore no justification for presuming that Government revenue will be affected by the development of such an industry and for forestalling the same by the imposition of any excise duty. My Committee are also opposed to excise duty on principle, as they consider it detrimental to industries. The proposed legislation, if accepted, will prevent the initiation and development of this industry. My Committee are, therefore, strongly opposed to the proposal for the excise duty ".

Now, Sir, the Government agreed to circulate the Bill for opinion but unfortunately for them as I have already proved by quotations almost all important trade associations and chambers of commerce and a large number of officials are against the principle of the levy of an excise duty on an industry not yet in existence in India.

Before I conclude, Sir, I may warn the House that close on the heels of this Bill it would not be surprising if Government bring in a Bill for the levy of an excise duty on the manufacture of *gur* on the same plea that the heavy excise duty on sugar is increasing the development of the use of *gur* in the country in place of sugar. If we are asked to agree to the excise on *gur* on the same analogy of excise on mechanical lighters what will be the position of the House ? I am pretty certain they would not and dare not agree. But if we today agree to the levy of an excise duty on mechanical lighters to save the match excise then what would be our justification to refuse an excise duty on *gur* for saving excise revenue from sugar ? If any of my friends in this House consider the suggestion of the excise on *gur* is only a hypothetical proposition and need not be seriously considered then I would request them to refuse the Government's hypothetical proposition of the establishment of mechanical lighter industries in the country in future which may in the future affect match excise.

For all these considerations, Sir, I oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I join with my friend in opposing the Bill before the House. So far as the question of safeguarding the match industry is concerned, we are entirely at one with the Government. But they have adopted the unique principle in the history of legislation in introducing this Bill in which under clauses 3, 4 and 5 they want to levy a heavy excise duty on mechanical lighters manufactured in India. I am glad my Honourable friend Sir Alan Parsons had just stated that no such factory exists at present. So the view of Government is that a factory might come into existence in future and hence they have brought forward this legislation.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : Story of Ramayana before Rama was born !

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I hope you will explain the same when you speak.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Sir, we have seen that Government only recently brought two pieces of legislation to kill the infant industries of India. I refer to the Sugar Excise Bill and the Matches Excise Bill. Not being satisfied with them, they have now introduced this legislation to kill this still-born industry in India which may not make India self-contained. After this Bill, no capitalist will venture to invest his capital in setting up any industry here for manufacturing mechanical lighters. What does this show ? It shows that Government are against the policy of developing the indigenous industries of India. We could have supported this Bill if they had levied a still heavier duty on mechanical lighters imported into India. As long as no factory exists in India there was hardly any ground for Government to levy this duty over manufacture in British India. If Government are prepared to delete clauses 3, 4 and 5, I would give my hearty support to the Bill. But as long as these clauses exist, I regret that I cannot support it.

I hope that some of the Honourable Members would have gone through the opinions that have been circulated to us. They number about 16, and in the majority of these opinions, from both officials and non-officials, we find that they have expressly stated that the Bill will prevent the establishment of such industries in India. Sir, I would not take up much of the time of the House in quoting from these opinions, but with your permission I will certainly quote two or three opinions to strengthen my point.

THE HONOURABLE THE PRESIDENT : You are not following the advice which you gave the Honourable Mr. Banerjee.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I never gave the advice and am afraid, Sir, that the opinions have not been read by all the Members. There are many Members who have not read them at all and if any one stands up and says that he has read all the opinions, I will just ask him to give some of the important conclusions and see whether he has read the opinions or not. Therefore, to strengthen my argument it is, I think, necessary for me to draw the attention of the House to the opinions as they will have to decide whether the measure is to be supported or opposed. Sir, I would draw the attention of Honourable Members to the opinion of the Commissioner of the Assam Valley Division. This is an opinion not from any individual of this country, but an officer of the Government. He says :

" My personal opinion is that the danger of a flood of mechanical lighters has been greatly exaggerated, and that there is no necessity for such a Bill. I regard the rate of duty proposed as exorbitant ".

Sir, I will read only one or two sentences and not the whole of the opinions which I quote. The Deputy Commissioner, Bhandara, another official of Government, says :

" The Bill is obviously inexpedient and unfair".

He goes further on to say :

" I consider the Bill should be abandoned ".

The Nagpur Chamber of Commerce says :

" The idea seems to be to crush any such industry if started in this country. * * * On the whole the Bill should not be made law ".

The Upper India Chamber of Commerce, which is a body composed of European merchants in our province, say :

" My Committee have now had an opportunity of considering this Bill and they feel that, as it is at present worded, the Bill would definitely preclude the starting of any industry in India for the manufacture of mechanical lighters and they deprecate any legislation which would have such an effect on any industry ".

Sir, the opinion of the Upper India Chamber of Commerce deserves all the attention of the Government and I think that Government ought to have given up the Bill after receiving such opinions. Now, Sir, I will quote a sentence from the opinion of the Punjab Goverament from where the Honourable the Leader of the House as well as the Leader of the Opposition come. They say :

" The question really is whether it is desirable to pass the measure by way of warning to prevent an industry being established, which if it succeeded in establishing itself might require Government to impose taxation which would have the effect of killing it ".

The Financial Commissioner, Mr. J. A. Ferguson, whose opinion, I hope, will be given due credit, says :

" *Prima facie*, practically to prevent the establishment of this industry is going too far in the support of the match trade. In any case I consider that the Bill is at least premature ".

Sir, the same thing has been said by the President, Simla Trades' Association, the Honorary Secretary, Indian Chamber of Commerce, Lahore, and many other institutions. Lastly, I would like to quote one or two opinions from Bombay so as to make out the case that the opposition is not limited to any particular province but extends all over the country. The Bombay Government say :

" Some of the officers are also of opinion that the proposed duty is too high and requires reduction. I am to observe that the question involved is purely one of financial policy of the Government of India and since the duty is proposed to be imposed on an industry which is non-existent at present, the Governor in Council does not feel called upon to give an opinion on this point ".

The Commissioner in Sind says that the measure is premature, and the Collector of Broach says the Bill seems premature and therefore unnecessary at this moment. So, Sir, I have quoted a few selected opinions of both officials and non-officials and of Indian and European commercial bodies, and they are all practically unanimous that this Bill ought to be abandoned. I would therefore urge the Government that either they should not proceed with the Bill, or if they do they should delete sections 3, 4 and 5, by which they propose to prevent the manufacture of mechanical lighters in India.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) : I have certain difficulties in regard to this measure and if I state them I do so in an enquiring spirit. The object of the Bill we have been told is to check the abnormal development of mechanical lighters. It is apprehended that the abnormal development of mechanical lighters will affect the match industry adversely. Now, Sir, the Honourable the Finance Secretary stated that there was no indigenous mechanical lighter industry in this country. Then why hamper the growth of a new industry by an excise duty. If there is no industry existing at

[Pandit Prakash Narain Sapru.]

present, then where is the necessity for an excise duty on mechanical lighters ? Mechanical lighters are not generally used by the common people. The cultivator does not use them. They are used only by fashionable people. (*An Honourable Member*: " That is why they are being specially taxed !") I am all for heavy taxation of the rich. That is not my grievance. But my difficulty is that if India is to grow industrially it is necessary that we should have all industries. Why prevent the growth of this particular industry ? I am asking this question in the hope that the Honourable Finance Secretary will be able to tell us why it is necessary to prevent the growth of a new industry ? It will not yield you any revenue, as there is no indigenous industry in existence. I am not objecting to the import duty. That may continue. I do not say that I am necessarily opposed to this Bill. I cannot make up my mind until I hear the Honourable Finance Secretary.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I rise to support this Bill in spite of the arguments which have been advanced by my friends on this side. If you drop clauses 3, 4 and 5, as my friend the Honourable Mr. Mehrotra suggests, then there is no necessity for the Bill. My friend the Honourable Pandit Prakash Narain Sapru says he does not mind " fashionable people " paying duty but he thinks that because there are no factories today which produce mechanical lighters the Government ought not to put forward this Bill. But it is just because there is no tax and because these mechanical lighters could be used for the purpose of depriving Government of its excise duty on matches, that these factories will soon crop up in the country. There are mechanical lighters which come from Europe on which duty has to be paid ; whether that duty is to be kept at its present level, or to be increased, I do not know. But if mechanical lighters are made in India, in answer to the Honourable Pandit Prakash Narain Sapru I would say that for every Rs. 1-8-0 which Government will charge on such lighter they will ensure themselves perhaps Rs. 10 or more on the excise duty on matches which they would otherwise lose by the larger use of these lighters. That is the reason why this Bill ought to pass.

THE HONOURABLE SIR ALAN PARSONS : I am very grateful to my Honourable friend Sir Phiroze Sethna for putting more clearly than I could do myself the need for this Bill. I do not propose to weary the House by a recitation of those opinions which are in favour of the Bill. I think they will take it from me that I could produce at least as many as my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra has on the other side. I understand that the opposition is not to the heavy extra duty which we propose to impose on imported mechanical lighters, but merely to the proposal to put on an excise duty. I think it was the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra who suggested that we were out-heroding Herod in not only slaughtering existing industries in the shape of sugar, matches, and perhaps he may be able to add shortly steel, but also in attempting to slaughter an infant yet unborn. My Honourable friend the Leader of the House has suggested to me that this measure is much more a measure of birth control than a murder Bill. I would put it to my Honourable friend, Pandit Prakash Narain Sapru, which is fairer to people in this country—

to say straightaway that if mechanical lighters are produced in this country we shall have to impose an excise duty on them, or to wait until manufacture has been started and then, in order to protect our revenue and to protect the much more important match industry, to impose a duty after people have sunk money in starting the industry. I put this to the House, that the only fair and honest thing for Government to do is to make an immediate announcement of their intention in this matter by laying down that, should this industry start, it will have to start under the penalty of an excise duty. That is the only way to prevent the industry starting under a completely unreal and unsafe stimulus. (Applause.)

THE HONOURABLE THE PRESIDENT : The Question is :

" That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 14th August, 1934.

COUNCIL OF STATE.

Tuesday, 14th August, 1934.

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.

PROGRESS MADE IN RECRUITING INDIANS TO THE CYPHER BUREAU.

87. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please state what progress has been made in the matter of recruiting Indians to the Cypher Bureau ?

THE HONOURABLE MR. R. E. L. WINGATE: I would refer the Honourable Member to part (*d*) of the reply to the Honourable Mr. Jagadish Chandra Banerjee on the 8th February, 1934. The new codes are not yet ready for use.

ACTION TAKEN ON THE ECONOMIC ENQUIRY REPORT.

88. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please state what action they have taken or intend to take on the Economic Enquiry Report made by Professor Bowley and Mr. Robertson ?

THE HONOURABLE SIR ALAN PARSONS: The Report is under departmental consideration.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

89. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please lay on the table the correspondence that may have passed between them, the Secretary of State for India and the Zanzibar Government as regards legislation recently undertaken by the Zanzibar Government which is calculated to affect Indian interests ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The attention of the Honourable Member is invited to the reply given by me to the Honourable Pandit Prakash Narain Sapru's question No. 72 on the 13th August, 1934.

ACTION TAKEN IN REDUCING EXPENDITURE ON INDIAN DEFENCE AND INDIANIZATION OF THE DEFENCE FORCES.

90. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please lay on the table a detailed statement showing what action has been taken with a view (1) to reducing expenditure on Indian defence and (2) to furthering the Indianisation of the defensive forces of India ?

THE HONOURABLE MR. M. G. HALLETT (on behalf of His Excellency the Commander-in-Chief): The statements are being prepared and will be laid on the table at an early date.

PAY OF NEW ENTRANTS TO THE INDIAN CIVIL SERVICE AND OTHER ALL-INDIA SERVICES.

91. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state what progress, if any, has been made in the matter of reducing the scales of pay of new entrants into the Indian Civil Service and other All India Services?

THE HONOURABLE MR. M. G. HALLETT: The question is still under discussion between the Secretary of State and the Government of India.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: When do Government hope to be in a position to make a statement on the subject?

THE HONOURABLE MR. M. G. HALLETT: I regret that I cannot be responsible for the time that the Secretary of State will take for deciding the question. No doubt he will expedite the decision as much as possible.

ANTI-INDIAN LEGISLATION IN MOZAMBIQUE.

92. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Will Government state if the report published by the Karachi Indian Merchants' Chamber is correct that the Government of Mozambique in Portuguese East Africa have recently passed legislation whereby (*i*) Indian settlers who wish to re-enter the colony will be only allowed to do so if they return as employees of their previous masters and (*ii*) that every Indian employer must employ two Portuguese for one Indian national employed by him.

(*b*) If the reply to (*a*) is in the affirmative will Government state what action they have taken or will take to prevent such restrictions against Indians in Portuguese East Africa?

THE HONOURABLE MR. R. E. L. WINGATE: (*a*) Under a law enacted by the Portuguese Government of the Colony of Mozambique in 1932 as recently interpreted by the Governor General of that Colony it appears that British subjects will be subjected to these restrictions.

(*b*) The Secretary of State for India was asked on the 15th April, 1934 by telegram that the strongest possible representations should be made to the Portuguese Government and they should be requested to exempt Indians from the operations of the law on the ground that the large number of Portuguese subjects in India are subject to no restrictions in this country. A communication has been made by His Majesty's Ambassador at Lisbon to the Portuguese Government and their reply is awaited.

IMPOSITION OF HIGH IMPORT DUTIES BY THE GOVERNMENT OF CEYLON ON CERTAIN COMMODITIES.

93. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Has the attention of Government been drawn to a recent statement in the Press that the Government of Ceylon have imposed prohibitive duties on the imports of ghee, vegetables, eggs, tamarind, etc., from India?

(*b*) Have they received communications from any commercial bodies complaining against this legislation?

(*c*) What steps do Government propose to take to safeguard the interests of this country and of Indians resident in Ceylon in this connection?

THE HONOURABLE MR. T. A. STEWART: (*a*) Yes, Sir. Tamarind is not, however, one of the items on which these duties have been imposed.

(*b*) Yes, Sir.

(*c*) The matter is receiving the careful consideration of the Government of India.

PUBLICATION OF THE REPORT ON THE COCOANUT INDUSTRY.

94. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state when the report of the officer appointed by the Imperial Council of Agricultural Research regarding the condition of the cocoanut and copra industry in Southern India, will be published?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Subject to the approval of the Advisory Board of the Imperial Council of Agricultural Research the report will be published soon after its meeting on the 3rd September.

PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON THE GLASS INDUSTRY.

95. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state when the Report of the Tariff Board regarding the Glass industry will be published?

THE HONOURABLE MR. T. A. STEWART: The Tariff Board's Report on the Glass Industry is still under the consideration of Government and I am unable to say when it will be published.

NUMBER OF INDIANS AND NON-INDIANS EMPLOYED AS OFFICERS, ETC., IN THE INDIA STORE DEPARTMENT, LONDON.

96. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state the number of Indians on the staff of the India Store Department, London, as officers and as ordinary employees; and the number of non-Indians as officers and ordinary employees?

THE HONOURABLE MR. D. G. MITCHELL: As far as I am aware, the numbers of Indians at present employed as officers and subordinates on the staff of the India Store Department, London, excluding industrials and menials, are four and seven, respectively. The corresponding numbers of Europeans are 109 and 76, respectively.

PUBLICATION OF THE REPORT ON THE PROJECT OF THE BOMBAY SIND RAILWAY.

97. THE HONOURABLE SIR PHIROZE SETHNA: (*a*) Will Government state whether they have appointed any officer to report on the project of the Bombay-Sind Railway and, if so, when will the report of the officer be published?

(*b*) Do Government propose to consult representative commercial bodies before they take any final decisions regarding the above project?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The report of the officer has been received and is under the consideration of the Railway Board

in consultation with the North Western Railway and the Bombay, Baroda and Central India Railway Administrations. Government do not propose to publish the report.

(*b*) As soon as their investigations are complete, Government will consider in what form the results should be made public to elicit the opinion of all interested in the scheme.

SHORT NOTICE QUESTION.

THE HONOURABLE THE PRESIDENT: There is a short notice question and as Government have no objection, I am-prepared to allow it.

ILLNESS OF MRS. KAMALA NEHRU, WIFE OF PANDIT JAWAHARLAL NEHRU.

98. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (1) Has the attention of Government been drawn to a telegram published in the *Hindustan Times*, dated the 8th August, 1934, intimating the serious illness of Mrs. Kamala Nehru, wife of Pandit Jawaharlal Nehru ?

(2) Is Government aware that she is suffering from pleurisy and running a temperature of 104 degrees ?

(3) Will Government please state whether they intend to release Pandit Jawaharlal Nehru so as to give him a chance to attend his wife ?

THE HONOURABLE MR. M. G. HALLETT: (1) and (2). Government are aware that Mrs. Kamala Nehru, wife of Pandit Jawaharlal Nehru, is dangerously ill.

(3) As stated by the Honourable the Home Member in another place yesterday, the question is really one for the Local Government to decide. But the Government are in communication with the Government of the United Provinces on the subject and have heard from them that Pandit Jawaharlal Nehru has been temporarily released on his arrival at Allahabad in order to be with his wife.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: How long will he be kept out of jail ?

THE HONOURABLE MR. M. G. HALLETT: I am afraid I can give no answer on that point.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government see the advisability of keeping Pandit Jawaharlal Nehru free till Mrs. Kamala Nehru is restored to normal health ?

THE HONOURABLE MR. M. G. HALLETT: As I have already said, the matter is primarily a matter for the Local Government of the United Provinces. I have no doubt they will give sympathetic consideration to the matter.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Was he released without the consent of the Government of India ?

THE HONOURABLE MR. M. G. HALLETT: Yes.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government advise the Government of the United Provinces to keep him free till Mrs. Kamala Nehru is restored to normal health ?

THE HONOURABLE MR. M. G. HALLETT: That is a hypothetical proposition. I cannot give any undertaking on that point.

CONGRATULATIONS TO THE HONOURABLE SIR FRANK NOYCE ON THE HONOUR CONFERRED ON HIM.

THE HONOURABLE THE PRESIDENT: Honourable Members, I feel confident that you would like me to take this opportunity of welcoming Sir Frank Noyce here today, and to offer him the sincere and heartfelt congratulations of the Council of State on his elevation to the Knight Commandership of the Exalted Order of the Star of India. (Applause.) I particularly refer to this matter as we can claim Sir Frank Noyce as one of us. He was in 1931 a Member of this Council and though he remained here with us for a few months only, he made himself extremely popular with the Members of this Council. (Applause.) His good nature, temperament and the manner in which in cases of opposition he took up his standpoint, are all known to us and he invariably behaved so tactfully that he really captured the hearts of the Members of the Council. (Applasue.) Later on he became for a short period the Leader of this House and during that time also he conducted the duties of his office as Leader in a way which inspired great respect and confidence on the part of Members of this Council. Sir Frank Noyce is certainly a distinguished member of the Indian Civil Service, but I make myself bold to assert that he stands in the front rank of those eminent civilians who have left their mark in this country's history. (Applause.) His services have been always requisitioned by Government on all important occasions and he has presided over numerous committees and conferences during the last ten years. We are fully aware of the great services he has rendered during the last few years. If it is at all necessary to enumerate his special services, I may specially mention his appointment as Collector and President for the purpose of the Cotton Cloth Act, and also later on he was President of the Indian Sugar Committee. He was also put on special duty with the Government of Burma and he was also on special duty under the High Commissioner for India from 1st July, 1922 to 16th March, 1923. His services were also placed at the disposal of the Government of India, Department of Commerce, as President of the Coal Committee, in which capacity he rendered very useful service to the country. His services were likewise placed at the disposal of the Government of India, Commerce Department, as officiating Member, Tariff Board, and he was also President of the Cotton Textile Industry Enquiry and, as you all know, that Report, which many of you have read, will remain a monumental work in the history of the textile industry. He has still some time to serve this country and I have no doubt that higher honours and greater possibilities of work are in store for him. Sir Frank, I convey to you the sincere and heartfelt congratulations of this Council on your elevation.

THE HONOURABLE SIR FRANK NOYCE (Industries and Labour Member): Sir, I very deeply appreciate the kind congratulations you have been good

[Sir Frank Noyce.]

enough to give me on the Knight Commandership of the Order of the Star of India which has recently been conferred upon me and the kind way in which your remarks have been received by the House. I have the very pleasantest recollections of the two short periods during which I have had the privilege of being a Member of this House,—in 1931 when I was Secretary in the Education, Health and Lands Department and represented that Department here and the year before last when I had the great honour of leading this House for a very brief period. I can only say that my reappearances here, infrequent as they are, are always a very pleasant interlude in my labours and I thank the House most warmly for the kind reception it always gives me when I come here and the favourable way in which it looks upon the measures which my Department places before it. I thank you once again, Sir, and the House for your very great kindness.

MECHANICAL LIGHTERS (EXCISE DUTY) BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The Council will now proceed with the further consideration of the Mechanical Lighters (Excise Duty) Bill. The Question is:

"That clause 2 stand part of the Bill."

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, the amendment that stands in my name runs as follows:

"That for sub-clause (*b*) of clause 2, the following be substituted, namely:

'Mechanical lighter means a lighter or any other article for the production of a flame, spark or incandescence and which in use can replace matches automatic or non-automatic, with gasolene or benzine, mechanical, chemical or electrical or of any other class'."

Sir, when the Bill was first brought before the other House it was pointed out by Mr. Bhupat Singh when he moved for the circulation of the Bill that the original definition of mechanical lighters was most defective as various kinds of toys emitting sparks came under the purview of that definition. The same view was also taken by most of the officials whose opinions have been received on the Bill. In order to meet that point, the Select Committee which was appointed by the other House, amended the definition which is a great improvement no doubt on the original definition but, Sir, the word "portable" used in the definition is most ambiguous in so far that it is not clear whether lighters imported not of a shape and size to be used as a substitute for matches but which may be imported in future of a bigger size as a substitute for ordinary kerosene lamps used in village homes would come under the purview of the definition containing the word "portable." At present we find mechanical lighters imported into the country in the shape of pencils or in the size of ordinary match boxes. If tomorrow we find the importation of a large number of lighters imported in the shape and size of ordinary electric torches with the device of a flint and a stone to light the wick as a substitute for the ordinary village kerosene lamps would they come under the definition of portable or not? In order to avoid all these troubles I think that definition as contained in a similar legislation in one of the South American Republics where a heavy duty on matches is in force may better suit us than the corresponding definition in the British Customs Regulations from where our definition appears to have been copied. When I gave notice of the amendment I did not do it with a motive to show my legal knowledge over that of the legal luminaries which adorn this House and the other. But I was only actuated by the desire of substituting some other suitable definition which would restrict the scope of mechanical lighters only when it comes into unfair competition with matches. Sir, when I was going through the opinions I found this very definition quoted by no less an authority and important body as the Chamber of Commerce, Bombay. To my mind there is no doubt that this definition as suggested by the Chamber of Commerce, Bombay, is a better substitute than the present definition as contained in the Bill. The proposed definition contains the words:

"which in use can replace matches and therefore it restricts the scope of the definition to such lighters which would only replace matches but not others which may be used as a substitute for the kerosene lamps and ordinary electric torches".

I therefore move the amendment for the consideration of the House and for its acceptance.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): I am afraid I cannot advise the Council to accept the definition proposed by my Honourable friend for two good reasons. First, I am informed that by the inclusion in that amendment of the words "or of any other class" he will bring within the mischief of the Bill exactly those toys and primitive appliances which should not be included, and which it was quite definitely the intention of the other House to exclude, as was shown by the amendment to the Bill they made in Select Committee. Therefore, on a point of substance, his amendment must be rejected.

The second reason is that I am informed that the phrase used in his amendment "which in use can replace matches" does not give a criterion which could be easily applied; for who can say whether any particular lighter, even though it might give a spark, was in use in the place of matches. Those are my two main grounds against the acceptance of this amendment. I do not think I entirely followed his objection to the use of the word "portable" in the definition as incorporated in the Bill but I think it is quite easy to decide whether any particular appliance is portable or not, and that the definition as it stands will certainly cover all those articles which we wish to have covered. Actually, the definition with the slight amendment made in the other House is, I understand, practically the definition which has been in use for a good many years in the United Kingdom and which I am told it has not been found in the least difficult to apply. For these reasons, I would ask my Honourable friend to withdraw his amendment. If he is not prepared to do so, I would ask the House to reject it.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for sub-clause (*b*) of clause 2, the following be submitted, namely:

'Mechanical lighter means a lighter or any other article for the production of a flame, spark or incandescene and which in use can replace matches automatic or non-automatic, with gasolene or benzine, mechanical, chemical or electrical or of any other class'."

[Mr. President.]

The Question is :

" That that amendment be made."

The Motion was negatived.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

" That clause 3 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I beg to move :

" That in clause 3, the words ' and eight annas ' be omitted. "

Sir, I would not have moved this amendment if my proposal for the deletion of clauses 3, 4 and 5, which I made when the Bill was being considered yesterday, had been accepted by the Government. Sir, finding that these clauses are going to stand part of the Bill, I am moving this amendment for reduction of the duty from Rs. 1-8-0 to Re. 1. Honourable Members of this House are aware that when this Bill was introduced, the duty was kept at Rs. 2. But the Select Committee made a reduction of eight annas, and the Bill as it emerged from the Select Committee has kept the duty at Rs. 1-8-0. I consider this an exorbitant duty so far as the manufacture of mechanical lighters in India is concerned. I have no quarrel if the duty is to be Rs. 1-8-0 or even a little higher for those imported from foreign countries, but, as I said yesterday, no factories exist at present in India for the manufacture of mechanical lighters so I would urge upon the Government to reconsider the point and not to place impediments in the way of establishment of this factory in India. We all know that mechnical lighters are sold at different prices and they go as low as four to six annas. If the duty is fixed at Rs. 1-8-0, nobody will venture to establish any factory for their manufacture. Sir, yesterday my Honourable friend Sir Alan Parsons said that the Bill is to be regarded as a Bill for birth control. I was pleased to hear these remarks from him and would like to know whether he himself is practising what he said or whether the Government as a whole is going to practise birth control for which they seem to have a solicitude and on account of which they have introduced this Bill for the control of mechanical lighters in India. Sir, this is not my personal opinion alone. I am supported by Government officials placed in charge of high duties and responsibilities. Most of them have objected to the Bill on this very ground. They have explicitly stated that the duty is exorbitant.

Sir, I would draw the attention of the House to the remarks of the Commissioner, Assam Valley, who says :

" I regard the rate of duty proposed as exorbitant ".

The same thing has been pointed out by the Agent and General Manager, The Assam Railways and Trading Co., Ltd., who says :

" While I cannot suggest that the subject is one which in any way affects this Company, it seems to me, in the absence of any specific explanation, that the proposed duty of Rs. 2 per lighter is unreasonably high and will tend to make prohibitive the prices of these undoubtedly very useful commodities. Would not a duty of Re. 0-8-0 per lighter serve the required purpose ? "

He has gone as far as Re. 0-8-0 instead of Rs. 1-8-0, while I have contented myself with suggesting Re. 1.

The Nagpur Chamber of Commerce has also proposed that the duty be kept at eight annas. They say :

" The duty should be eight annas per lighter at the most ".

The Collector of Anantapur says :

" I have no remarks to offer on the Mechanical Lighters (Excise Duty) Bill except that Rs. 2 a lighter appears to be too high a duty, being probably much more than the cost of manufacture ".

The Collector of South Kanara says :

" I, however, consider that the duty of Rs. 2 per lighter seems to be very high in view of the sort of lighters which are now available. Some of these lighters cannot cost more than a few annas to make, since it is only necessary to obtain a spark which will ignite petrol vapour ".

Sir, the Government from which I come, namely, the United Provinces, have said :

" As regards the principle underlying the Bill, I am to point out that though it is essential to safeguard the interests of the match industry, the excise duty levied on mechanical lighters should not be so high as to prevent altogether the development of this new industry ".

The Upper India Chamber of Commerce have also said the same, and they have proposed to reduce the duty to Re. 1, which I have suggested in my amendment.

The Indian Chamber of Commerce, Lahore, says :

" This Committee have considered the various clauses of the Bill and they strongly protest against the imposition of a very high excise duty of Rs. 2 per each lighter as provided in clause 3 of the Bill. No doubt no industry of this type is in existence yet in India but to impose a high duty in anticipation is most objectionable. From this my Committee conclude that the Government of India are not in favour of starting this industry by Indians ",

and so on. The Collector of Kanara——

THE HONOURABLE THE PRESIDENT : I think we have had enough of these quotations.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I will, with your permission, read one line only from opinions to show to the House that a large number of persons, both official and non-official, are of the same opinion.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal : Nominated Non-Official) : You have only quoted one non-official opinion.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I am giving prominence to official opinion because it is most appealing to the Members on that side. Non-official opinion is valuable to this side alone.

The Collector of Kanara says :

" The duty of excise proposed at Rs. 2 per lighter is rather heavy. It could safely be halved without the slightest effect on the duty on matches ".

So he is also in favour of the duty being kept at Re. 1.

The Collector of Gurgaon says :

" Rs. 2 per lighter is, in my opinion, a very heavy duty. I should have thought that Re. 1 would have been ample ".

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

So, Sir, as so many officials are of the same opinion as that which I am expressing in this Council, I hope that, if Government is not prepared to value my humble opinion, they will pay due regard to the opinion of their own experienced officials and will accept the amendment that I have moved.

THE HONOURABLE SIR ALAN PARSONS: Sir, yesterday the House accepted the view which was laid before them by Government that it was desirable to protect the match industry and the revenue which Government will now derive from it by the imposition of an excise duty. The House would stultify itself if it now voted for an excise duty which would not fulfil those two purposes, and the sole question raised by my Honourable friend's amendment is whether Rs. 1-8-0 or Re. 1 will be sufficient to prevent the importation of mechanical lighters, and——

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: On a point of order, Sir. I never said anythin gabout importation. So far as importation is concerned I said raise it to Rs. 2-8-0 or Rs. 3, anything you like; but so far as manufacture in India is concerned it should be reduced.

THE HONOURABLE SIR ALAN PARSONS: I must adhere to what I said. The effect of my Honourable friend's amendment would be to reduce not only, as he wishes to do, the excise duty, but also under the operation of the last clause of this Bill to reduce the import duty. I am not dealing with what he wishes to do but with the effect of what he is proposing to the House. As I say, we have to see that the actual duty in the Bill will be sufficient to fulfil those two purposes, the protection of the match industry and the protection of Government revenue. Now, I am giving away no secret if I tell the House that initially our experts on the Central Board of Revenue thought that a duty of Rs. 4 per mechanical lighter would be necessary for this purpose, and it was only after considerable discussion that they put forward a duty of Rs. 2. That duty has been lowered under the Bill before the House to Rs. 1-8-0 as a result of a compromise arrived at in the Select Committee of the Legislative Assembly. And in agreeing to that compromise the Honourable Finance Member made it clear that he only did so because it is impossible at the moment to say exactly what the effect of the duty will be; but that he was himself doubtful whether Rs. 1-8-0 per mechanical lighter would be sufficient, and that it might eventually be necessary to come to the Legislature again to raise the duty. At the same time what is sauce for the goose is sauce for the gander; and Sir James Grigg said in another place that he was prepared to give an undertaking, which I repeat here, that if after this Bill has been in force for some time it is found that an excise duty of Rs. 1-8-0 is too high, Government would then be prepared to lower that duty. I must make it equally clear however that if on the other hand Rs. 1-8-0 is found to be too low, Government will come forward with a proposal to raise it. (*An Honourable Member*: "How will Government find that out when there are no factories in India?") Sir, I myself trust our experts on the Central Board of Revenue to discover whether a duty is actually too high or too low.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in clause 3, the words 'and eight annas' be omitted".

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 3 was added to the Bill.

Clauses 4 to 10 were added to the Bill.

Clauses 11 to 16 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR ALAN PARSONS: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

REPEALING AND AMENDING BILL.

THE HONOURABLE MR. C. GOVINDAN NAIR (Government of India: Nominated Official): Sir, I move:

"That the Bill to amend certain enactments and to repeal certain other enactments, as passed by the Legislative Assembly, be taken into consideration."

The Bill does not require any special words from me to commend it to the House. It is the usual Bill to bring the Statute-book up to date. Certain unnecessary provisions are deleted and obvious errors corrected.

Sir, I move.

The Motion was adopted.

The First and Second Schedules were added to the Bill.

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 MR. C. GOVINDAN NAIR: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

FACTORIES BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I move:

"That the Bill to consolidate and amend the law regulating labour in factories, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill has its origin in the Report of the Royal Commission on Labour which sat a few years ago. The recommendations on the subject-

[Mr. D. G. Mitchell.]

matter contained in this Bill were studied with great care and thoroughness in the Department of Industries and Labour and in that task the Department were fortunate in having the services of one of the keenest and most zealous members of the Royal Commission. As a result of the examination of the Report, a preliminary Bill was drafted by the Department and circulated widely for opinion, every care being taken that all the interests concerned should have ample opportunity to study the proposals contained in the draft Bill. The result was a most formidable mass of well-informed suggestion and acute criticism, which was again examined in the Department of Industries and Labour during the course of many laborious months. As a result, the substance of the proposed Bill was modified in many respects, important and unimportant, and the whole Bill was re-cast in a form more suited to its amplified provisions. The Bill as re-cast was further considered last year in Simla by a Conference attended by all the Chief Inspectors of Factories in India, who went through the Bill clause by clause with great care and proposed several further modifications, chiefly of a practical and administrative character. The Bill as again modified was then introduced in the Assembly and was referred to a Select Committee. The Select Committee in the course of some lengthy sittings gave the Bill very minute examination and modified it in many matters of detail and in several matters of substance. The Bill, as reported by the Select Committee, was further amended in its passage in the Lower House and the Bill as finally shaped by this prolonged milling process was finally agreed to by the Legislative Assembly, with only one dissentient.

I now propose to occupy the time of the House for as short a period as possible with a brief outline of the contents of the Bill and a comparison of these contents with those of the existing Act. Chapter I is Preliminary and I need refer Honourable Members only to the definition of " factory " which will enable them, I think, to follow clearly the objects of the Bill. A factory means any premises including the precincts thereof whereon twenty or more workers are working—the key word here is twenty—and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on. I will not detain the House with any further comments on this preliminary chapter. Chapter II relates to the inspecting staff and contains administrative matters occurring in various places in the old Act which have been collected together and amplified; but it contains no point of principle on which I need dilate. Chapter III is a very important chapter relating to the health and safety of workers. The old Act contained 12 sections covering four small octavo pages; the Bill contains 21 clauses covering six large foolscape pages. This means that most of the existing powers in the Act have been amplified and they have been made more definite, and in particular the procedure of the Inspectors of Factories has been made more precise. As regards the new features incorporated in the chapter, I would refer in particular to the much greater powers of control over artificial humidification of large factories and the new power whereby an Inspector may require the manager of the factory to provide some cooling device if it appears that the installation of the cooling device will not involve an incommensurate amount of expenditure. One of the most important of

the new provisions is contained in clause 33 which gives power to make rules for various matters—for four matters. They are a power to require the provision of shelters for workmen during their rest periods; a power to require rooms to be provided for small children, so that they may not get into mischief by running about in the factory itself; a power to require certificates of stability in the case of large factory buildings; and a very important power to declare the nature of what are called hazardous operations and to secure the protection of all workmen engaged in those operations.

I now come to Chapter IV, which is the most important chapter in the Bill and has certainly been the most controversial. It relates to restrictions on the working hours. I may give the gist in a few words. The old Act provided for a maximum of 11 hours a day, a maximum of 60 hours a week and a weekly holiday. The new Bill provides for a maximum of 10 hours a day which may not be spread over a period longer than 13 hours, for a maximum of 54 hours a week, and, as before, for a weekly holiday. To this general provision, however, there are two very important exceptions. The first relates to factories wherein the nature of the process carried on is such that it must be carried on continuously throughout the 24 hours. In such factories a maximum of 56 hours a week is permitted. Again in seasonal factories,—which I might explain very roughly as being factories which work only during a season which is not greater than about half the year,—in such factories workers may work for 11 hours a day and for 60 hours a week. There are many important additional features in this chapter compared to the corresponding provisions of the old Act, but I would refer only to two. The first is the very important feature of overtime. Under the present Act workmen earn overtime at the rate of time and a quarter only, after they have worked for 60 hours. The Bill proposes that they should get time and a half in any factory if they work for more than 60 hours a week. It also proposes that in a non-seasonal factory, which works for the whole year or practically the whole year, they will get time and a half for any day on which they work for more than 10 hours and also in non-seasonal factories they will get time and a quarter if hey work beyond the normal 54 or 56 hours up to 60 hours a week; beyond 60 hours they get time and a half. A further most important feature as regards general policy is contained in the new clauses relating to the power to grant exemptions from the various restrictions contained in the chapter. These exemption provisions have now been worked out in much greater detail, and an earnest attempt has been made to define the principles, and thereby to confine the cases, in which exemptions may be granted.

The next chapter, Sir,—Chapter V,—relates to adolescents and children. This chapter contains various provisions which are scattered through the present Act, which have been collected together, modified and amplified. I may mention, to refresh the memory of Honourable Members, that a child is defined as a person who has not attained the age of 15, and an adolescent is a person who has attained the age of 15 but has not attained the Age of 17. As in the old Bill no child under 12 whatsoever is allowed to work in a factory. As regards children the old Act allowed them to work for six hours a day. The Bill provides for a maximum of five hours a day which may not be spread over a period greater than 7½ hours. A child, before it may work in a factory

[Mr. D. G. Mitchell.]

at all, must obtain a certificate of fitness and must carry about with it a token giving a reference to that certificate. The adolescents form a new class which is not mentioned in the present Act. They are required to get special medical certificates certifying that they are physically fit to perform a full day's work. If they have that certificate and carry a token giving reference to it, they are treated on exactly the same footing as adults. If, however, they are unable to get that certificate they are treated in all respects as children.

I come now to the last chapter on which I wish to make a few remarks,—that is Chapter VI, dealing with penalties. In this chapter the old standard fine of Rs. 500 for major offences, particularly offences committed by managers and occupiers of factories, has been retained; but a new feature has been added, in that for subsequent offences higher punishments may be inflicted; and a still more novel feature is that for second or third offences a minimum fine shall be imposed of Rs. 100 and Rs. 250, respectively.

In conclusion, Sir, the Bill represents a compromise. It does not go so far as some of the recommendations contained in the Report of the Royal Commission and it does not go so far as some of the more earnest reformers would like to go but in its present form it has been accepted as a considerable step forward by all the interests concerned. As I have already said it was passed in the lower House with only one dissentient and I recommend it with the fullest confidence to the consideration of this House.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras: Nominated Non-Official): Sir, I should like to make one or two general observations on the Bill before us. The Bill is fairly comprehensive in its scope and embodies many important recommendations of the Royal Commission on Labour. It is calculated to ameliorate the conditions of labour and to promote the health and welfare of labourers and their children. It is quite clear from the provisions of the Bill that substantial improvement will be secured in these directions and it is gratifying to learn that the Bill has won the general approval of employers and labourers and of the general public. I think the Government and in particular the Honourable Member in charge of Industries, whom notwithstanding your felicitous references to him this morning, Sir, we from Madras claim as our own, may be heartily congratulated on bringing forward this beneficent measure. But there is one matter, an important matter, to the omission or non-inclusion of which in the Bill I would beg to invite the attention of the House. The Report of the Royal Commission, which I think will be the standard work on Indian labour for a long time to come and which has provided the material for a good part of this Bill, contains a large number of very important recommendations. These recommendations derive particular value from the fact that they were made by persons specially competent to deal with the questions at issue and after a very thorough and impartial investigation of every aspect of the subject. Unless, therefore, there is some convincing reason to the contrary, they should in my humble opinion be accepted by the Government and implemented by them. Now, we all know that industrial labour in this country is very illiterate. Education and efficiency are closely related and it will be readily granted that until labour becomes educated it will remain inefficient and at the mercy of agitators and

exploiters. It is therefore quite as much in the interests of employers as of labourers themselves to ensure that educational facilities are provided for labourers and their children. Now, the Royal Commission considered education in relation to labour in all its imporant aspects—as primary education, as technical education, and as adult education, and it clearly expressed the view that the education of labour should receive special attention. What action the Government has taken on this recommendation of the Commission or what it proposes to take I do not know. Speaking as an educationist, I would have welcomed in this Bill some provision, either in the form of a specific clause or included in the scope of the rules to be made later, by which employers would be obliged, either separately or jointly, to provide or to contribute to the provision of adequate educational facilities for the workers and their children, and if such a procedure was found impracticable I would have welcomed a provision by which facilities would be provided in some other way. But I find no such provision in this Bill. I must, however, frankly admit that I am not very much surprised at this because I can well imagine that there are considerations which would make the inclusion of such a provision perhaps difficult. For one thing, education is a provincial subject and it may be argued that legislation on that matter, if at all necessary, should fall within the purview of the Provincial Governments. For another thing, illiteracy in this country is very widespread and the problem of its speedy removal is so immense that it has so far baffled the best efforts of our Governments. It may seem therefore rather premature, if not invidious, to provide special facilities for the education of a particular, limited, class of pupils. It may also seem unfair and unreasonable to impose a financial burden upon employers for the education of their employees. As I say, I can understand that there are considerations which should be borne in mind when introducing a specific clause for educational purposes in a Bill of this kind. Whether these or any other considerations weighed with the Government when dealing with this matter I do not know. All that I am concerned with at the moment is to express the hope that the recommendation of the Royal Commission on the subject of education will receive the full consideration of the Government and that it will take prompt action either by legislative enactment if that is considered necessary or by administrative action if that is considered sufficient, to implement the recommendation of the Commission. In this connection, I venture to bespeak the good offices of the Honourable the Leader of the House, as it is a subject on which he is so vitally interested.

12 NOON.

With these few remarks, Sir, I cordially support the Bill which is before us.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I welcome this Bill as it is admittedly a progressive measure. The legislation before us, Sir, is a great improvement on existing conditions and the Government of India generally and my Honourable friend Sir Frank Noyce, whom I am glad to find present in this House today, particularly deserve to be congratulated for promoting a measure of this character.

There are two criticisms mainly that I have heard offered against the measure outside this House. The one is that the Bill has touched only some

[Rai Bahadur Lala Jagdish Prasad.]

aspects of the problem outlined by the Labour Commission and that there are other suggestions of that body which have not yet been given effect to; and the other is that the number of hours of work per week should be further reduced in the case of labourers. Now, with regard to the first point, the Honourable Sir Frank Noyce has made it clear in another place that some Bills have already been passed embracing a number of recommendations of the Labour Commission, and besides the present Bill which gives effect to a large number of the Commission's recommendations, there is another measure yet to come to regulate the payment of wages. So, Indian public opinion should, in my opinion, be satisfied that effect is being steadily given by the Government of India to the recommendations of the Royal Commission on Labour in India.

The second criticism, Sir, namely, the desirability of further reducing the hours of work, does not I am afraid appeal to me. I know that European countries have accepted a 48-hour week, but, Sir, conditions in India are not the same as in foreign countries. The first thing that we must remember is that the labour in India is far behind other countries in point of efficiency, and India is so backward industrially that she has yet to make large headway. Then there is the fierce foreign competition that Indian industry has to face. And lastly, we should not lose sight of the great economic depression and other difficulties through which the industry here is passing. There can, therefore, be nothing like over-production in this country for as long ahead as one can see. Thus we will find that India cannot afford to imitate the highly industrialised countries of the west for many years to come in this matter. Taking a detached view of the case, I feel that on the whole an honest attempt has been made on the part of the Department of Industries and Labour in this Bill to hold the scales even between capital and labour. There is one important point, however, to which I should like to refer. And it is that the Government of India should exert their influence to bring the Indian States into line with British India in the matter of labour standards. We have been very much handicapped in the past in all matters of labour legislation because of the Indian States lagging far behind British India in such matters. The Indian States enjoy so many advantages over British India in the shape of low wages, long hours of work, cheap living, low taxation and the like, that there is a tendency for industries more and more to migrate to Indian States, and if more burdens and restrictions are imposed on industries in British India without the Indian States coming into line, this danger would be accentuated. The Government of India should therefore bear this fact in mind and try their best to see to it that the Indian States conform to the general principles of this legislation.

With these words, Sir, I heartily support the Bill.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I have great pleasure in supporting this Bill which is largely based upon the valuable recommendations of the Labour Commission. I am glad to note that the Bill represents a compromise between the conflicting claims of labour and capital. I am also glad to note that this happy compromise was due to the strenuous efforts of the Honourable Sir Frank Noyce. I find that the

claim made for it that it is administratively sound and workable is correct. The Bill is certainly a vast improvement on the present conditions of workers in factories in India. I believe the Bill ensures a steady progress in the conditions of workers though the Bill does not go as far as one would like. The Bill insists upon considerable improvement in conditions of work in factories and the measures included in the Bill regarding health and safety, especially the provisions relating to humidification and cooling process are highly commendable and I hope that it will be made possible to introduce the cooling process in all the factories and that the question of cost will not stand in the way of Government enforcing these provisions against as many factories as possible. I find the Bill contains very wholesome provisions and in effect guarantees to the Indian factory worker minimum humane requirements and contains a guarantee for minimum humane conditions, though the conditions can very well be improved at a subsequent stage. I note with regret that the Bill does not apply to factories employing 10 or more workmen. I hope that the Local Governments will not be slow to exercise the powers under section 5 to bring under the purview of this Act as many factories as possible in which 10 or more persons are employed. I hope the Honourable Member in charge of this Department will see to it that Local Governments do exercise the powers given to them under clause 5. I find that certain recommendations of the Labour Commission have not been given effect to and find certain other omissions which are considered quite essential in the interests of labour in factories. One such omission relates to education, about which my Honourable friend Sir Ramunni Menon has spoken at some length and I heartily support the suggestion made by him that steps may be taken to ensure to the workers and especially children under 15 years of age at least of the benefits of elementary education. One other omission which I noticed is this. In the case of factory wokers in England there is a possibility of issuing welfare orders by the Ministry of Health relating to housing and sanitary conditions, which increases the efficiency of the workers and tends to their contentment and happiness. I do not know if I am correct in assuming that these provisions have been omitted because the Bill is confined to conditions of work inside the factories. Probably it was thought necessary to bring forward other legislative measures for improving the condition of the workers acutally employed in the factories in respect of their housing and other conditions of life outside the factory, though they may be housed inside the factory area. But I hope steps will be taken in this behalf, especially as this Bill makes no provision in this matter and I do not think it is possible to invoke rule-making powers for this purpose. I note also that it was not possible to reduce the number of hours of work in Indian factories. If however 48 hours is considered to be the maximum to prevent industrial fatigue in cooler climates like England, I believe in a country like India with its excessive heat that industrial fatigue will be reached in less than 48 hours. But I suppose we have to make some concession to industrial concerns seeing that they have not got efficient conditions of production and so labour may have to work a little longer, but I hope and trust that it may be possible for industrial concerns voluntarily to introduce lesser hours of work, namely, 48 hours. I would also suggest to Government that when they have had time to see the result of the working of this Act they should see whether it is not possible to reduce the hours from 54 to 48. And the ideal goal for future legislation should be a 42-hour week; and meanwhile steps should be taken

[Mr. P. C. D. Chari.]

in regard to housing and other conditions to so improve the efficiency of labour as to make it possible to arrive at that ideal of a 42-hour week. In this connection I would request Government to hasten legislation recommended by the Labour Commission to do away with the middlemen, who robs the labourers of a considerable part of their earnings, and so ensure direct payment of wages to labourers by the employers. This is a crying need to protect the interest of labourers in Burma.

With these words, Sir, I heartily support the measure.

THE HONOURABLE MAHARAJA JAGADISH NATH RAY OF DINAJPUR (Bengal: Nominated Non-Official): Sir, not a factory-owner myself, but as one vitally interested in the welfare of peasants and workers and being particularly solicitous about ordered progress of society I should like to discuss the measure in its principles as well as a few of its details. I can, however, say at the outset that I welcome the Bill so far as it goes, and sincerely congratulate the representatives of capital in the country for their standing by it quite readily. The force of time seems to have brought about a healthy change in their outlook and it is really a good sign for the future.

Although I am personally more interested in the agriculture of the country I am well aware that the economic position of a land is equally dependent on its industrial progress. And no industry can thrive without efficient labour. We can, however, never forget the Indian industrial labourer is even now an agriculturist in all conscience Labour in cities is chiefly rural labour. Able-bodied men in villages are generally found in slack agricultural seasons to migrate to factory areas in order to supplement their earnings. The industrial labourer as a whole-time worker has not yet developed in this country in such a manner as in the west. India was formerly a country of cottage industries and the factory system is practically of recent growth. The first Factories Act was put on the Statute-book in 1881. The owners of factories could never welcome such innovations and the labourer in those days was really put to great hardships. It was only in 1891 that wide provisions were made for in the Act. A mid-day stoppage of work was prescribed in all factories except those worked on shifts, and Sunday labour was prohibited. The hours of employment for women were limited to eleven with intervals of rest. The hours of work of children, that is below the age of 14, were limited to seven and children below nine were not to be employed. The Act of 1911 shortened the hours within which women and children might be employed. The Amending Act of 1922, introduced as a result of the Washington Conference held in 1919, shortened the hours of work to a 60-hour week and raised the minimum age for children to 12. Then there were other amended Acts in 1926 and 1931. The definition of "factories" also was widened gradually. Anyhow, every factory had to maintain a register of all persons employed in the factory shewing their hours of work and the nature of their respective employment. Still, there remained much to be done in regard to industrial labour, not to speak of labour in general. The Royal Commission appointed in 1929 under the Chairmanship of the Right Honourable Mr. Whitley made an elaborate study of the situation in India and published their Report in 1931. Special importance has to be attached to the fact that the Commissioners including representatives of employers,

workers, legislators and officials were practically unanimous about their recommendations, not less than 375 in number. The Government of India too, it must be said to their credit, were not very slow in considering how far they could go in the matter of those recommendations. The two reports, published by them in 1932 and later, shew the extent of action taken on the said recommendations by the Central as well as Provincial Governments. The present Bill is, of course, an outcome of all that.

Sir, in 1922 India obtained recognition from the League of Nations as one of the eight of chief industrial States in the world on account of her having 28 millions of agricultural workers, 141,000 maritime workers, etc., and over 20 millions of workers in industries including mines and transport. The Census Report of 1931 shews a considerable increase in all sections. The number of factories in 1932 increased by over 3,000 on those in 1922, and the number of persons enmployed on an average daily registered an increase of about 59,000 upon 13 lakhs in 1922. Bombay and Bengal have no doubt the largest number of factories. Bengal alone could boast of 1,487 factories in 1922, and there have, of course, been gradual increases since then. By the bye, when I find that the Census Report of 1931 mentions 31½ millions as the number of agricultural labourers I am constrained to remark that factory labour is receiving much greater attention than agricultural labour, and it is high time that steps should be taken more earnestly to improve the condition of labourers in the fields also.

Sir, the latest statistics that we have for 1932 show that in British India about 1,800 perennial factories and nearly 3,000 seasonal factories require the labourers to work for more than 54 hours a week, and about 2,500 factories make the workers labour below 48 hours. The statistics do not shew the hours of work in particular industries. It may be noted here that railway workshops come under the Indian Factories Act; and there, however, not more than 48 hours of work are insisted upon. In the jute mills of Bengal 54 hours is generally prevalent. In sugar factories, waterworks, etc., also, the working hours, it seems, do not usually exceed 50 hours. It is generally in the cotton textile mills only that labourers are worked for 60 hours. The rice mills and oil mills also, I suppose, sometimes work as many as 60 hours. Thus the working period of almost half the factories is not beyond 54 hours. So it may be reasonably said that by limiting the work to the same 54 hours through the present Bill we do not go far enough. The present Bill enjoins that 11 hours per day and 60 hours per week should be observed in the case of seasonal factories and 10 hours per day and 54 hours per week for workers in perennial factories. The maximum hours of work permitted in case of children is five hours per day in all factories. The proposal to introduce a third age group of "adolescents," *i.e.*, persons over the age of 15 years and under the age of 17 who have not been certified as fit for adult employment, is quite good. It is not unnatural, however, that the millowners are afraid of competition from outside and have to think twice before even a cautious step is taken. But we cannot be blind to the fact that in most of the western countries 48 hours a week is the common period for work and there is a movement for not going beyond 40. Those who will advocate less than 54 hours in India have to remember that labour here is not so efficient and that the wages of the labourer can never be reduced along with the shortening of his working hours. But long working

[Maharaja Jagadish Nath Ray of Dinajpur.]

hours have been known to produce sometimes less concentration to work, lax discipline and habits of taking intoxicating drinks. Public health is indissolubly connected with this problem of working hours. As in the opinion of doctors fatigue of muscles comes a little later than the fatigue in the nervous system, it is never safe to let the poor labourer drudge on beyond a limit for even an extra pittance. The habit of drink which has been the bane of labour life is prompted by internal fatigue. The "optimum stage" in work, good feeding and healthy surroundings are the requisite conditions under which only efficiency of work and public health can improve. We must, of course, be more careful about female labour. Some allowance and relaxation of work ought to be made for women for a period before and after childbirth. And there must be made some arrangements for keeping a reliable register of diseases and death in each factory.

I agree that the Bill as a consolidating one is really of far-reaching importance to the workers in the factories. But the application of this Bill has been limited only to factories employing 20 or more workers a day. We should not forget that the control of employers in smaller factories also is not less exacting in any way on the labourers, and the number of such factories also is quite large.

Sir, I understand that some Acts have already been passed on the recommendations of the Commission and some more have to come in, in order to supplement the object of this Bill. A Bill to regulate the payment of wages has to be passed as early as possible. So the position of workers in the country can only be judged on the cumulative effect of all such measures. The improvement of the wages of factory labour should in any case be made as earnestly as the cutting down of working hours has been done.

As to welfare work in Chapter III, I note with pleasure the provision for water supply, rest shelter and first aid, but I do not really see why a uniform standard of wider scope, if not of greater beneficence, could not be set? The welfare orders in England are issued by the Secretary of State. To empower the Local Governments in such a case to pass orders, relating to welfare for particular classes or groups of factories, would have been far less objectionable. It is true that labour is quite unorganised while the capitalists are very well organised in this country. But it would be too much to say that Local Governments might find it difficult sometimes to resist pressure from influential quarters in coming to its aid. The Honourable Member in charge of the Bill ought, however, to look carefully into the complaint that too much of discretion has been given to the inspecting staff. I may only remind Honourable Members that however good may be the object of a law the beneficent effect will depend almost entirely upon the men who administer it and how its provisions are acted upon.

With these words, Sir, I heartily support the Bill.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Mr. President, I would like to make a few observations on this Bill. This Bill is a step forward in the social legislation of this country. It is a beneficial measure and it is a measure of far-reaching importance to the workers in factories. Sir, in this country the prosperity of the capitalists

very largely depends on the contentment of the labourers. Well, labour cannot do without the capitalists and capitalists cannot do without the labourers. I had no mind to speak, Sir, but the Honourable the Maharaja Sahib of Dinajpur raised a point that 54 hours that are provided in the Bill ought to be reduced to 48 hours. But I submit, Sir, the Honourable Member in his speech replied to himself. First he said: We have not got in this country industrial labour different from agricultural labour. He said the industrial labour is recruited from the agriculturists, and those agriculturists when they have nothing to do in their fields come and work in the factories and other industrial works. He further stretched the point that therefore industrial labour is inefficient in this country. Yet, Sir, knowing that our industrial labour is inefficient, the Honourable the Maharaja Sahib ought not to have advocated 48 hours instead of 54.

Then we should not forget that 48 hours are done in only highly industrialised countries. Here again, there is another danger side by side. As one speaker pointed out, most of our industries are now emigrating to the Indian States because of cheap labour there and also because all these various enactments are not applicable to them, as for instance the provisions of this Bill. And then they pay no income-tax.

Another point that was raised, Sir, was that some of the recommendations about the education of the children of labourers have not been given effect to. There too the Honourable Memeber replied to himself. He said that education is a transferred subject and I do agree with him, Sir. Therefore, this Government can not compel the Local Governments who are in charge of education, Sir. Further, I might point out again that primary education is the obligatory duty of the local bodies and the Provincial Governments give them grants. Therefore, Sir, no provision perhaps has been made in this Bill for education because primary education is the obligatory duty of the local bodies.

Secondly, he himself said, Sir, that it would be burdening the employer too much if we threw the financial burden of education also on the employers. Therefore, Sir, he has replied to himself why the provision for education has not been made in this Bill. Now, the third point that has been raised, Sir, is that this Bill applies to workers in factories where there are 20 or more and it should apply to factories where there are 10 or more. There is a provision in the Bill that the discretion is given to the Local Government. If there are any such cases where it is necessary to apply the rule, I am sure the Local Government will apply it. Besides, Sir, the mere application of the provisions of this Bill will not serve the purpose for which the Bill has been brought. If you want to enforce the provisions, you ought to have supervision. That means a larger inspecting staff for a factory that employs 10 or more workmen. The Local Governments with their depleted resources will not be able to employ all the inspectors required. Then, Sir, today and yesterday I heard that we should not tax mechanical lighters and motives were attributed to Government that Government does not want any new industry to be introduced in this country. But my Honourable friends who are advocating the application of this rule to factories with 10 or more workmen quite forgot that these factories are in the nature of small industries and

[Sir Ghulam Husain Hidayatallah.]

we would be throwing additional burdens on these small industries. That means we are killing these small industries.

With these few words, Sir, I support the Bill and before I sit down I congratulate the Honourable the mover of this Bill.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, the Bill before the House is of far-reaching importance to the workers of the factories and it marks a considerable advance over the present conditions of labour in India. Sir, I think the House would be failing in its duty if it did not heartily congratulate the Member in charge, Sir Frank Noyce, who is one of the civilians coming from my province whose broad sympathies are so well known, and that we all feel that whatever department he goes to he will deal with the subjects that come before him in his usual sympathetic way. Sir, I join heartily in congratulating him for this beneficial measure which will benefit all labouring classes in India.

Sir, a great deal has been said by Sir Ramunni Menon regarding the education of the children of employees. So far as that is concerned, I think it comes within the purview of employers. I am sure the Madras Member will agree with me that one of the leading firms in Madras, Messrs. Binny and Co., have provided not only tenements at a very reasonable rate but they are also giving free educational facilities to the children of the labourers who work in their mills. This is a matter of congratulation and I hope other provinces will follow suit. The Madras Corporation have built tenements for the poor on the model provided by other firms. I am afraid therefore I cannot agree with Sir Ramunni Menon regarding education facilities to the children of the employees. Apart from that, in my province they have got free day and night schools where the children of the labouring classes can be educated. Therefore the question of education does not concern us so far as the Bill is concerned.

With these few words, Sir, I support the Bill.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, the Bill before the House is such that no one can take exception to it. It is definitely in the interests of labour that a Bill of this kind should be brought forward. The only point is whether it is an advance in keeping with the times or not? We had labour legislation as far back as 1911. The first Labour Act was passed in 1911. This is a consolidating, and incidentally, an amending Act. It advances where the other Act was not up to the times. If I judge this Bill by this criterion, I find that it is to a certain extent halting and not, if I may say so, in consonance with the spirit of the times through which we are now passing. There are no doubt some very necessary provisions which this Bill has made which did not exist in the old Act, but about which I may say that factories have already taken a lead. I refer particularly to the cooling arrangements. I had occasion to visit Jamshedpur and there I found that in the Tatas mills they had made provision for cooling the

* Speech not corrected by the Honourable Member.

air long before this Bill was contemplated. That shows that the factories are moving ahead. If so, what is the necessity of bringing forward this Bill? It is only to bring up the laggards, those who are not mindful of the interests of labour up to the mark. Another thing in which this Bill is lacking—I am referring to the point raised by my Honourable friend from Madras—I found at Jamshedpur that they have made arrangements for the education of their workers and of their children. I do not say, Sir, that each and every factory which employs a minimum amount of labour should make provision for the education of its workers and their children. But when we pass an Act, it is essential that Government should take this opportunity of imposing some sort of obligation on employers of a large number of labourers to make provision for the education of the children of their employees. There are factories in outlying areas where there are no municipalities or other public bodies to take up the work which should rightly fall on the shoulders of large employers of labour.

Sir, the point was made by some of my friends that Indian States are in an advantageous position as compared with British India. This point has got much more force behind it. We see every day that in a number of Indian States imposition is made on goods passing from British India to their territory. But we in British India are still believers in the old doctrine of free trade. I do not for a moment wish to suggest that free trade is a bad thing. But if you have it, have it fully or do not have it at all. It is bad policy to give an advantage to a part of the world without any recompense. Government should take early steps to see that all these beneficent measures for labour are given effect to in the States. If they are not giving effect to them, then goods coming from their territory should not come in free and so compete with the indigenous products that are being produced at a higher cost in British India on account of better management. Slavery should not be put at a premium by the action of the Government after its abolition.

I find that Government have made provision in this Bill whereby the minimum number required to constitute a factory is 20. They have done tardy justice. They have admitted that this minimum is a bit higher by providing in clause 5 that places employing 10 men can be regarded as a factory if the Local Government so directs.

THE HONOURABLE SIR FRANK NOYCE: My Honourable friend is talking of these provisions as if they were new. The figures of 20 and 10 are both in the existing Act.

THE HONOURABLE MR. HOSSAIN IMAM: As I said in the beginning, I do not think it should be taken that whatever was there was gospel truth. That Act is being amended and consolidated because it is out of date and there is no reason why we should copy the old Act. In clause 5 the provision is such that it gives almost complete provincial autonomy to the Local Governments to do whatever they like. It is essential in the interests of uniformity that some indication should be given to Local Governments to guide them in their work of notifying places as factories within the meaning of this Act. It has been our experience during the last 19 years since the Act came into being that this provision has remained almost a dead letter. As no guiding principle is laid down, this has proved to be a pious wish and I am very much afraid that if Government do not give any indication in this connection, it will remain a dead letter.

[Mr. Hossain Imam.]

Sir, the Honourable mover mentioned the provisions about health and safety which have been made. I welcome those provisions. They are very much overdue. But I am afraid that the Select Committee—I do not know whether on the suggestion of Government or of non-official Members—removed a very good provision contained in the original Act. I am referring to the provision about wages and returns. This was taken out because it was thought that it would not find a place in a Bill the object of which was to regulate labour. I cannot understand how labour and wages can be separated. If the Government has taken it out of this Bill may I hope that in the very near future a more comprehensive and advanced Bill about the fixation of wages will be introduced? There is a great deal of difference of opinion among us about hours of work. Some of my Honourable friends have cited and recited the old story of inefficiency of Indian labour and some have advanced other arguments in opposition to the reduction of hours of work. Personally I think in India with its teeming millions and great unemployment, the smaller the job of work the greater will be the number of men employed to do the same amount of work, and the maxim that the government should be run for the good of the greatest number ought to have swayed the Government in this matter. There is no doubt that our labour is not as skilled as, *e.g.*, British labour. But why? Because they have for generations been factory workers. We are newly in the field. We cannot expect our labour to have that almost instinctive aptitude for work which a labourer in England acquires. Nevertheless we must not blind ourselves to the fact that this theory that all industrial labour reverts to the land is not true of all industries. It may be true in regard to some which are seasonal in character. But the larger industries which have been long established have now got specialised labour which sticks to the work almost throughout the year, and only goes home at intervals on leave and does not take part in agriculture as such. For instance, take the mill industry in Bombay with which Sir Hidayatallah is more familiar than any one else——

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH: But I quoted the Honourable Maharaja Sahib of Dinajpur who says they are agricultural labourers that go to industrial centres.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, in our part of the country we have the coal industry which is not working throughout the year, but closes down for intervals for want of customers or too great stocks, and that labour and the labour roundabout Calcutta are seasonal. But I was talking about the established industries, which are not seasonal and where workers are slowly developing an aptitude for that work alone. I am particularly referring to Jamshedpur where the labour is stationary and most of the skilled labour has been employed over many years together. I have seen men there who have been in Tatas since 1907. In this connection about hours of work, although I am very much against giving powers to the executive, I wish the Government had taken one more power. I refer to the case which really is an all-India concern but has particular reference to Bengal—I mean the case of industries which on account of over production or other causes have decided to restrict work. For instance, the jute mills in Bengal have started to restrict work. But the trouble is that while those belonging to the Association have

restricted output, those outside that Association are working full time, with the result that the latter are reaping the harvest while the others are losing. The fact is that the industry has had to restrict output to keep up prices, but advantage is being reaped by those who will not adopt the only method by which prices can be maintained. I wish the Government had taken power under this Bill to enforce restriction in working where the majority of those engaged in that industry wanted restriction to be put on output. Sir, I was greatly surprised to find in section 36 the provision for spread work over 13 hours in any day. Spread work can be allowed and is necessary, but 13 hours in 24 is something which savours of slavery rather than work under civilised conditions. Sometimes I find that even after much consultation and collection of opinions the Government seem undecided as to what to do. That indecision is apparent from section 46 where it is not decided whether a day shall begin from midnight or be left to Local Governments to decide. If it is necessary to have it from midnight, let us have it. If this power is given to Local Governments it means there may be differences of opinion. There ought to be uniformity, and the power ought to have been given to the Governor General in Council to say at what time the day shall begin for different classes of industries and works.

I should like to say a few words about the provisions for inspection. Inspection is the main thing which keeps things in right order, and unless you provide for inspection in such a manner that you can see how all these provisions are carried out, it will be a mere dead letter. I would therefore request that, though inspection may remain partly under the Local Government, there should be some centralization, or at least there ought to be a Board to coordinate local efforts, so that experience of inspectors in one area may be available to other areas.

I need not refer now to the question of a 54 or 48-hour week, because it forms the subject-matter of an amendment and it will be dealt with in detail then.

In conclusion, I should like to say that this is a good Bill, but has come a little too late and somewhat lacking in certain respects.

1 P. M.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, I cordially support the Bill. I would characterise it as a humanitarian Bill, inasmuch as it secures fair conditions to the worker, reduces his hours of labour and ensures provision for his health and safety. The present year 1934 may well be remembered in the annals of labour legislation as the year of its Magna Charta. The amendment of the Trades Disputes Bill, and various other measures in the Provincial Councils, like the Bombay Maternity Benefit Bill and the proposed Bill in the Bombay Legislative Council for the appointment of liaison officer, as a conciliating officer or mediator between the employers and the employed are all calculated to improve the conditions of the workers in India. For this advance, Sir, we have to express our gratitude to the Royal Commission on Labour and to the Honourable Sir Frank Noyce for his great solicitude in the interests of labour. If, however, all these Bills and Acts are worked as they should be, they should cut the ground beneath the feet of those socialist or really communist agitators who are out to injure the cause of labour by holding before it promises

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

which can never be fulfilled and deluding the ignorant workers with Utopian dreams. The only basis they work upon is what they imagine to be the conditions of labour that exist in Soviet Russia. From the latest information that we possess—I do not desire to trouble the House with the various details—it is well known however that in Russia they do not acknowledge the right of labour to strike : strikes are put down ruthlessly and refusal to work entails imprisonment. The worker is paid according to his production. If he is inefficient, and produces less than his quota, his wages are cut. The Dictator has recently promulgated a formula which lays down :

" From each according to his capacity ; to each according to his labour ".

It will thus be seen that there is no equality, nor uniformity in workers' wages. At the same time there are other good features. An efficient worker is paid higher salary, it is subject to 60 per cent. income-tax as it is not permissible to accumulate capital. Exceptional merit, inventions and discoveries are rewarded by the Lenin medal. I should like to know whether the Indian worker would prefer to work under the conditions of this Bill or work under the Soviet rule ? Is it not high time, Sir, that those who pose as leaders should inculcate these facts into the minds of the workers and refrain from encouraging them to strike on imaginary or plausible pretexts ?

As regards the provisions of the Bill, Sir, I would first refer to the hours of work. Further reduction to 48 hours depends not upon Government, not upon the employer, but upon the worker himself. If he is efficient and diligent, if he gives due attention to his work and does not waste an enormous amount of time away from his work discussing family affairs, the hours could be reduced. It is well known that when a worker goes out, another worker has to look after his machines in addition to his own and production thus suffers. Is it conceivable that labour could be efficient under such conditions ?

With regard to the confirmation by the certifying surgeon of the certificates given by authorised medical officers, the interval of three months is too long. It is probable that during the interval, the health of the worker may deteriorate through illness and he may cease to be considered fit at the time of countersigning his certificate. One clause is of special importance and relates to the water which is used for humidification of the factories. It is enjoined that it should be taken from a public supply or some other source of drinking water. It may be that sometimes the most convenient source is the factory tank ; as no amount or method of purification could make such water harmless. The practice should be prohibited. As regards workers employed on hazardous operations, whatever other precautions that may be taken, I think such workers, subjected as they are, to great risks, should be examined periodically, at least once in a year, if not once in six months, to see whether under these hazardous operations they have deteriorated in health. There exist, Sir, difficulties in the employment of shifts. A man works during the day time and then goes to another factory at night. That does not conduce to his health or efficiency—and should be strictly prohibited under a penalty. Under no circumstances exemption should be allowed. The standards of physical fitness should be laid down according to age : for height, weight, breathing capacity, etc., and lung and heart troubles should be carefully noted. One or two diseases which are not easily diagnosed should be especially looked for, namely, tuberculosis and leprosy. The examination must be thorough to ensure that the worker is in sound health and able to work. Another section deals with the prevention of work by a child in more than one factory. Very often the parent or the guardian encourages this practice, he pockets the wages, but when asked denies all knowledge. The child is tutored to say that he did it of his own accord. For these reasons more stringent regulations and penalties are required. The child under these circumstances should be debarred from working in any factory at all for a year as a deterrent. The penalty upon the parent or guardian for infringement should be very heavy in such cases. One practical suggestion I should like to make is that all the provisions of this Bill which relate to hours of labour, employment, etc., should be translated into various vernaculars and it should be made obligatory under the rules upon the managers of factories to explain the same to the workers rather than allow the agitators to misinterpret them. The unions which exist at present can do a considerable amount of welfare work, encourage educational facilities and reclaim the workers from drink and other vices. The worker should be told that he has certain duties towards his employers through discipline and efficiency. The Bombay mill worker is a casual worker ; he is an agriculturist first and a mill worker after. And thus there is a real want of efficient workers who have made mill work their life-long calling from generation to generation.

With these few remarks, Sir, I cordially support the Bill.

THE HONOURABLE SIR FRANK NOYCE (Industries and Labour Member) : Sir, the number of speakers who have addressed the House this morning is evidence of the fact that the House realises that this is the most important of the measures which have been brought before the Council during the time that I have been in charge of the Portfolio of Industries and Labour. The measure now before it has received a very marked degree of support from all quarters of the House and I much appreciate what previous speakers have said about it and about my own part in it. There has only been one discordant voice which has come from a quarter from which we on these benches are accustomed to expect denigration of any measures we may bring forward. My Honourable friend Mr. Hossain Imam spoke very contemptuously of this Bill. He said we were merely following the example of what good employers have done already ; there is therefore no necessity for a measure of this kind ; good employers have already taken action ; why should Government bother ? That seemed to me the gist of his argument and I personally can imagine no better reason for bringing forward a measure of this kind. Our whole object is to bring the bad employers up to the standard of the good ones. We are in this Bill endeavouring to enforce a minimum standard for the treatment of labour. We hope that it will be a minimum standard, that good employers will still go on doing more than we have laid down for them in this Bill and that in say, five or ten years time—the sooner the better—my successor, whether a Member of the Executive Council or a Minister in a reformed Government, will be bringing forward another measure to bring the conditions of that time as far as labour is concerned up to the then prevailing standard of the good employers. The Honourable Mr. Hossain Imam's criticism seems to me a most

[Sir Frank Noyce.]

unworthy criticism of our efforts to ameliorate the conditions of labour. The House, Sir, will not, especially at this hour of the day, expect me to examine in very great detail the various criticisms which have been brought forward against the different clauses of the Bill. When a comprehensive measure of this kind is brought forward, it is always very difficult for the Member in charge of it to reply at length to the various points which have been raised in the course of debate. Here we have 80 clauses. It is true that there is a thread of connection between them. They are all intended to improve labour conditions but some of them deal with one aspect of the question and some with another.

I should like to say one word with regard to one or two detailed criticisms which my Honourable friend, Mr. Hossain Imam, brought forward. It is unfortunate that he could not be present at the discussions we had in our Department with the Chief Inspectors of Factories or at the discussions that took place in the Select Committee of the other House, for he would then have realised that the points he mentioned were certainly not neglected in the course of discussion, that they were all carefully examined and that, where the Government did not accept the view he thinks they ought to have accepted, or where the Select Committee did not accept that view, there were very good reasons for their not doing so. Take this question of shifts. The Honourable Member says Government do not know their own minds as to when a shift should begin, whether it should begin at midnight or at some other period of the day. Government know their own minds perfectly well. The reason why they have provided exemptions in certain cases is because, if no exemptions were provided, there would be considerable difficulty caused to employers of labour when it came to changing over the shift. Then as regards the spread-over, he thinks 13 hours a terrible period over which to spread work in a civilised country. The conditions in other civilised countries are not the same as they are in India. Other industrial countries of the world do not get the torrid conditions that we get in India in the hot weather, which may make it desirable to have a system of shifts which allows for work early in the morning and late in the evening and lets workpeople off in the middle of the day.

THE HONOURABLE MR. HOSSAIN IMAM: May I know of any instance of this—where the middle of the day is given off?

THE HONOURABLE SIR FRANK NOYCE: I may explain to Honourable Members that one reason for fixing this particular period of spreadover was that it would suit a system of shifts which might be of great assistance to the Bombay cotton mill industry and to which, from our point of view, there would be no valid objection.

Now, Sir, the main criticism which has been brought against the Bill is that it does not go far enough,—a criticism to which we are used in dealing with questions of labour legislation. My Honourable friend, Diwan Bahadur Sir Ramunni Menon, a distinguished educationist, complains that the Bill does not include provisions for the education of the children of the industrial employees. That is a complaint which was repeated by certain other Honourable Members. As my Honourable friend, Sir Ghulam Husain Hidayatallah, speaking with all the experience of a Minister and a Member of the Executive

Council of a Local Government, pointed out, the Honourable Diwan Bahadur Sir Ramunni Menon proceeded to reply to his own complaint and to point out that education is a provincial transferred subject. Even so, I was waiting patiently to hear from him exactly what recommendation the Royal Commission had made in regard to education which could have been incorporated in this Bill. He very definitely complained that we had not incorporated in the Bill certain recommendations of the Royal Commission on Labour. I hoped he would explain what these recommendations were. What the Royal Commission on Labour said on this point was that:

> "The main responsibility for education in industrial areas cannot be thrown on the employer. In this as in other matters some employers have done admirable work in attempting to remedy the deficiencies of responsible authorities and we believe that few would be unwilling to co-operate if definite and reasonable schemes were put before them. It is for the educational authorities to take the lead but the end in view justifies us in calling on employers' associations and individual employers to assist".

I do not see what warrant there is in the remarks of the Royal Commission for the suggestion that we have failed in our duty in not including some compulsory or even permissive clauses in this Bill to deal with the question of education.

THE HONOURABLE SIR RAMUNNI MENON: May I as a personal explanation point out that in the Report of the Royal Commission, in the section on education, this sentence occurs:

> 'We would emphasise the fact that because of this (*i.e.*, the disabilities under which illiterate labour is placed), the education of industrial labour should receive special attention".

It is to that recommendation that I wished to call the special attention of the Government to.

THE HONOURABLE SIR FRANK NOYCE: The special attention of the authorities in charge of education, namely, the Local Governments and the universities—not of my Department which is concerned with labour and not with educational questions. We think it would be a very great mistake to mix up educational questions with the regulation of factory labour. I must say, Sir, it has afforded me a certain amount of surprise, not unmingled with amusement, to notice the way in which the representatives of the landed interests are willing to place an additional burden on the employers of industrial labour in regard to the education of their workpeople. I may point out that that sort of argument is a double-edged weapon and that the time may come when the employers of industrial labour will suggest that landlords might make provision for the education of agricultural labour.

The question of hours has been raised and, as was to be expected, the arguments on both sides cancel out. I do not propose to deal with it at any very great length. I would only say that the limits of hours that we have included in the Bill are in accordance with the recommendations of the Royal Commission.

The Royal Commission said—it is important to remind the House what they did say—on this question:

> "Many operatives would have to face large reductions in their earnings and, while we do not doubt that part of this loss would be made good before long, we are not convinced that the operatives as a whole are in a position to regain their old standard in any reasonably short period".

[Sir Frank Noyce.]

They go on to say :

"But efficiency is not likely to be raised so surely by a sweeping reduction as by a smaller one, and there will be nothing to prevent a further reduction, if the results of the smaller change which we advocate indicate that this is desirable".

That is the argument in favour of a 54-hour week. Anything below it would throw an intolerable burden on certain industries especially in the present economic depression, which though it shows signs of lifting is certainly very far from disappearing. The House will agree that the standard of living among workpeople in this country is not as high as it should be and there can be no doubt whatever that an immediate reduction from a 60-hour week to a 48-hour week in many industries would depress that standard of living still lower. We all realise that a 54-hour week is still a very long week and that it is desirable to reduce it. I hope that it will not be long before it will be reduced. But, as my Honourable friend Sir Ghulam Husain Hidayatallah has pointed out, this is certainly not the time for such a reduction.

My Honourable friend Mr. Chari said that the Bill does not apply to the factories which employ from 10 to 20 workers. I think what he meant was that it did not apply automatically to such factories. The important change we have made there is that we have allowed Local Governments to extend *any* of the provisions of the Act to such factories. Under the existing Act, if they want to extend it to factories which employed between 10 and 20 workers, they had to extend the whole Act, and that has been a very great bar to any progress in regulating these small factories. We hope that it will help progress if Local Governments are able to extend only such of the provisions as they think fit to extend. The question is one of staff. The House knows as well as I do that Local Governments have not got the money for additional staff in present conditions. We are placing considerable extra burdens on them by the provisions of this Bill, and it is certainly not desirable to add to our impositions by compelling them to extend the whole Bill, when it becomes an Act, to factories which employ between 10 and 20 workpeople. We hope they will go ahead in that direction as rapidly as financial conditions permit.

My Honourable friend Mr. Hossain Imam thought there was something sinister about our omitting from the Bill the provision originally included in it empowering Local Governments to call for returns of wages in industries. Surely there is nothing whatever sinister about that, Sir. He has himself suggested the reason why we left it out. We felt that this was a question which could much better and more properly be dealt with in a proper statistical Act. We hope before long, as a result of the investigations of Professor Bowley and Mr. Robertson, to be able to produce an Act of that character.

The Honourable Mr. Hossain Imam also brought forward the proposition that this Bill should be used to regulate production in the interests of certain sections of the jute industry. That, Sir, is a proposal from which I strongly dissent. We are here concerned with conditions of labour. We are not concerned with conditions of production. Those are entirely separate matters, and if any legislation is necessary in regard to them, it should be entirely dissociated from the legislation we are discussing today. We are not concerned here with any question of profits and losses in any industry, jute or any other.

Regret has been expressed in certain quarters that we have not followed the recommendation of the Labour Commission and conferred on Local Governments the power to pass welfare orders. I notice there is an amendment on the agenda paper in that regard to be brought forward by my Honourable friend Pandit Prakash Narain Sapru. The Honourable Pandit is the son of a very distinguished lawyer, and himself a lawyer, and I was rather surprised to find an amendment of this character standing in his name, for two reasons. One is that I do not think he can have read the discussion on this particular amendment in another place, and the other is that he, as a lawyer, would I should have thought, have realised that our legislation is not improved if we copy legislation of other countries wholesale and do not examine the question how far it fits in with our own legislation. This particular amendment is copied from a British Act without any alteration and suggests that Local Governments may be empowered to make rules in regard to various matters such as the supply of protective clothing, ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms. The point which I wish to bring to the notice of the House is that quite a lot of these matters—first-aid arrangements, supply of protective clothing, facilities for washing, supply of drinking water—are covered by different clauses of the Bill. What would be the object of giving Local Governments powers to make further rules in regard to them? They have power to make rules already.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I explain that the Commission contemplates something more than that also? They say :

"The type of welfare we have in mind covers such matters as washing facilities, ambulance and first-aid requirements, arrangements for taking meals and allied matters".

And then they say that there should be a general power to the Local Governments to pass orders from time to time.

THE HONOURABLE SIR FRANK NOYCE: Yes, Sir. That is exactly my objection to the Honourable Member's amendment. He has referred only to power in regard to these specific matters. If he had added at the end of his amendment "and kindred matters" I could have understood the amendment. But he has not done so. He is merely asking for powers in regard to certain matters which are already covered by the Bill and certain other matters such as provision for rest rooms. It is a little difficult to see what Indian labourers would want with rest rooms. Again, as regards the supply and use of seats—as far as I know him, he prefers to lie on the ground. If seats were provided for him, he would not use them. And I certainly do not understand what is meant by arrangements for supervision of workers. My objection to this amendment, Sir, is that as it is worded it is unnecessary, and as my Honourable friend Pandit Prakash Narain Sapru apparently desires that it should be worded, it would go too far.

THE HONOURABLE THE PRESIDENT: I would mention to the Honourable Member that I have not yet admitted that amendment.

THE HONOURABLE SIR FRANK NOYCE: I have to thank you, Sir, for that information, but in regard to the point of principle, I would explain that we do feel it desirable that only concrete proposals for welfare work should be incorporated in the legislation, if necessary. I think my Honourable friend Mr. Hossain Imam was putting forward the point of view of certainly a section of the House when he said that he did not like giving executive power to Local Governments. But when we refrain from doing so, we are also subjected to criticism. We are not giving power to Local Governments in this respect as we feel that the result may be undesirable in that they may make excessive demands on employers, and that it is therefore much better both for the Local Government and for the Central Government to know definitely what is proposed and to embody that in legislation.

That I think covers all the important points which have been raised in the course of this debate except the very difficult one of Indian States. I can only say in regard to that that it is an important point and it is one which is engaging our earnest attention. I would point out that there are many Indian States, including the most important ones, such as Hyderabad, Mysore, Baroda, Gwalior, Travancore, Indore, Cochin, Jhind, Rajkot,—I cannot remember them all, but those occur to me at the moment—which have adopted our factory legislation in the past. How closely thay have adhered to it I am not in a position to say, but they have certainly adopted its main features and I think there is every reason to believe that they may be willing to follow us in our present legislation.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Can I ask whether this Bill was circulated to the States for their opinion?

THE HONOURABLE SIR FRANK NOYCE: No, Sir. We do not circulate our legislation to Indian States for opinion. A terrible vista opens out before one if we were to do that.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Not even those Bills which, if passed, you want States to agree to?

THE HONOURABLE SIR FRANK NOYCE: No, Sir. I do not think that is a procedure which is at all desirable. It is well for us to make up our own minds before we decide what to do next. I can only say the point is engaging our attention and will continue to do so, though I think the House will agree that it is a very difficult question and will require most careful consideration. That is all I need say, except to thank the House once more for the cordial way in which it has supported the Motion moved in regard to this Bill, which marks the biggest step taken in recent years in regard to the amelioration of labour conditions in India. As to the rest, as to what we are doing in regard to carrying into effect other recommendations of the Royal Commission on Labour, it was mentioned that we have a Payment of Wages Bill on the anvil, and for the information of the House I may add that we have another Bill which we hope will come up in the course of the next session regarding the conditions of labour in mines. I would thank the House once again for the reception it has given to the Bill.

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

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

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, it was my intention not to speak on this Bill at this stage and I hoped to reserve my observations for the time when I spoke on the amendments, but because of a remark which fell from you, Sir, that it is possible the amendments might not be taken up that I propose to address the House now. If at first I did not intend to speak during the consideration stage of the Bill and that although I happen to be a factory owner in a small way myself and am connected with some mills in Bombay City, it was because I felt that the Bill, with all its clauses, is one which should meet with the general acceptance of both employers and employed. The Factories Act when first started was of course initiated for the welfare of labour. It has done so to a large extent, but the revised Bill as it now stands will prove of far greater benefit to the employee in this country; and for that reason we certainly have to congratulate Government on this new measure.

If I do desire to say a few words now it is because I want to meet the point on which so much stress was laid by several speakers this morning, namely, on the question of the number of working hours. The Bill reduces the working hours from 60 to 54. Some of my Honourable friends want them to be reduced yet further to 48 hours. Such change must be helpful to both employers and employed and 48 hours will help neither. Sir, the Honourable Member for Industries this morning has given his reasons as to why he prefers 54 hours to 48. May I request my friends who insist upon 48 hours to go with me through a small sum in arithmetic which will satisfy them that their proposal is perhaps not desirable? Sixty hours being reduced to 50 hours means a reduction of 10 per cent. None of these gentlemen has said whether, because they are going to work for 10 per cent. less hours, they are to draw the same pay as before or whether they expect labour to be satisfied with 10 per cent. less pay. As they have said nothing on this point, I take it for granted that they want labour, although they will work for six hours less, to be paid at the same rate as at present, *viz.*, when they are working for 60 hours. Supposing a man is getting Rs. 30 for working for 60 hours and 60 hours are reduced to 54, his pay ought to be proportionately reduced by one-tenth and he should be paid Rs. 27. Are my Honourable friends agreeable to labour getting Rs. 27 instead of Rs. 30?

THE HONOURABLE MR. P. C. D. CHARI: Certainly not.

THE HONOURABLE SIR PHIROZE SETHNA: Thank you. Then, carry the same reasoning a little further and if instead of 60 hours you now want them to work only for 48 hours, which is a reduction of one-fifth, then the pay should be not Rs. 30 but Rs. 24. And again my Honourable friend Mr. Chari and others will say "No, he ought to be paid Rs. 30." Who is to pay Rs. 30 for working shorter hours and where is the money to come from? Neither the Honourable Mr. Chari nor his friends have enlightened the House on that point and that is my grievance because these suggestions have come, I am sorry to say, from those who are perhaps not employers of labour and who do not understand, or try to understand, the situation from the employers' point of view.

THE HONOURABLE MR. P. C. D. CHARI: There will be the compensation of greater efficiency.

THE HONOURABLE SIR PHIROZE SETHNA: Talk of efficiency when efficiency is attained. We have tried to introduce efficiency for years and we have not succeeded. My friend Diwan Bahadur Sir Ramunni Menon was perfectly right when he said pay greater attention to education. If there is more education, then perhaps efficiency might follow. But at the present moment in spite of the best efforts made by those who are engaged in the cotton industry, efficiency has not risen to any appreciable extent. Whilst the Lancashire girl can manage four looms, in spite of baits, promises, higher wages, there is no efficiency and a weaver in India is generally content to work on one single loom. Here is the answer to the Honourable Mr. Chari's point in regard to efficiency. Then, Mr. President, the Bombay Millowners' Association have considered this question and it will interest my Honourable friend Mr. Chari and others who favour 48 hours to know that whilst the hours are reduced from 60 to 54 hours and although it will involve a very large sacrifice on the part of the Bombay millowners in the present state of the industry, they are generally willing to give the same rate of wages for 54 hours as they have been giving for 60 hours. May I in passing inform the House that one of our former esteemed Members Sir Manmohandas Ramji died yesterday in Bombay. Sir Manmohandas was a very prominent member of the Committee of the Bombay Millowners' Association. He was one of those who stood out for 60 hours, but when he saw that the feeling was in favour of making a gesture towards labour, he was one of the first to agree to a reduction in the number of hours, but he and his colleagues could not possibly agree to reducing 54 to 48 hours. And why not? If those Honourable Members desire that those who work for 48 hours should be paid at the same rate as they are paid for 60 hours, then I put it to them, Mr. President, supposing a factory pays Rs. 1 lakh a month for wages and they pay the same wages for 48 hours, it means they will have to pay Rs. 20,000 more for the same work. Where is the money to come from? You know the state of the industry, not only the cotton industry, but many others. Several cotton mills have gone to the wall; many others are almost bankrupt and you are simply asking for the impossible in the present state of affairs. It is because our friends have never considered the question from the point of view of the employers or from the point of view of the country at large for the matter of that, that they come forward with a suggestion which I say is an impossible one.

Now, Sir, in addition to the reasons I have given, I will also give some more. We must not forget that industries in India are in an infant stage. We cannot proceed at the same rate as they do in the west. Therefore we have to go slow. Again, Sir, we must not forget that out competitive capacity would be very seriously impaired by lessening the number of hours. This competitive capacity is to be taken into consideration not only in regard to Japan where they work longer hours and with greater efficiency but also in regard to Europe where they work shorter hours. They work there for 48 hours a week, but there is that efficiency in the west to which my Honourable friend Mr. Chari attaches importance and which we in India unfortunately so sorely lack. Take again the case of Indian States. We are at a very great disadvantage when compared with them. My Honourable friend Sir Ghulam Husain Hidayatallah referred to the advantages millowners enjoy who have their factories in Indian States, because they are free from the restrictions that we have. He enumerated them but he did not include the Workmen's Compensation Act, which also is not in force in Indian States. We have to face competition not only with Japan, not only with the west, but also with Indian States and in these times and because of these factors it is positively unfair to the Indian industrialists to ask them to reduce working hours from 54 to 48. Again, as I have pointed out, it would cost a factory Rs. 1,20,000 instead of Rs. 1,00,000 as at present in wages. It will increase the cost of production and will consequently mean higher prices. Until therefore efficiency increases the hours of work in this country must not be any less than what are laid down in the Act.

I have nothing more to add except to refer to one point which was made by my Honourable friend Mr. Hossain Imam and to which a very pertinent answer was given by my Honourable friend Sir Frank Noyce. The Honourable Mr. Hossain Imam said there were good employers in the country and where was the necessity for such an enactment? He did not say what is the percentage of good employers. He referred to Tatas at Jamshedpur. But how many Tatas are there in the whole country? If there are five Tatas there are 50 bad employers. I suppose the idea in the Bill is not to level down firms like Tatas but to level up others who do not care for their employees.

With these observations, Sir, I support the Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to put forward the point of view of the employer and of the industrialist. Sir, the House will admit that India is not yet a great industrial country. In any measures that we pass we must not only consider whether they are beneficial to labour but also whether they are equally beneficial to the employer. When the country is fully industrialised and when the condition of the industry is prosperous, then is the time to consider the measures which affect the welfare of the labourer. Sir, that at the present time as far as the Indian textile industry is concerned in which I am greatly concerned, I might say, Sir, that although the market price for some of the products of some of the best managed mills is a quarter of an anna per pound, if this Bill is passed the Indian millowner will lose half an anna per pound on his cost of production. Well, what do we see in Japan? In these days we have to see what competition an industry has to stand from foreign dumping. Japan which is said to be an up-to-date country has not adopted the Convention. In Japan, I understand, there is no limit to hours of work for men although they have fixed 11 hours as the limit of work for women. This is now a well known fact that Japan is practically putting every country out in the world in trade and industry and at this juncture, when we also are the victims of dumping from Japan, I consider,

[Rai Bahadur Lala Ram Saran Das.]

Sir, that the restrictions and other measures which are included in this Bill will not be quite opportune.

Sir, my Honourable friend, Sir Phiroze Sethna, has made my task very easy as regards the hours of work. I simply want to add a little and that is that, as far as the up-country mills are concerned and particularly in the stations which had no such industry before, the efficiency of labour is much lower than that of towns where the industries have existed for some time. And I might say, Sir, that, as far as the Punjab is concerned, the production per head on any machine in a cotton mill is much less than what it is in Bombay, Cawnpore, or other industrial places. Sir, our conditions of labour therefore are vastly different from those countries which are highly industrialised.

It has been observed by certain Honourable Members that the wages of labour go by the price of foodstuffs. Sir, we find in practice that the wages of labour have not gone down in proportion with the fall in the price of foodstuffs. Then, Sir, another point which I wish to make is that when you fix the working hours of factories as compared with general labour, it will put employers of factories in a very difficult position. When seasonal factories are working labourers will try to go there because they will get better wages there for longer hours of work than in the Indian cotton mills and other mills which will have restrictions with regard to working hours and will find some difficulty in securing that labour at the prices to which they are now accustomed.

My Honourable friend, Khan Bahadur Sir Ramunni Menon, said that education should also be introduced in factories. The Honourable Sir Frank Noyce has already given a reply to that point but I might cite an instance which concerns my own cotton mills and which happened a few years back. In my mills I employ literate apprentices and a few are graduates. One of these graduates was grinding a knife. While grinding, he began talking to another comrade and the result was that his file slipped and his hand was badly cut. That is, Sir, an example of a graduate and I do not know whether his high education had any effect in practical life. This apprentice got disgusted and left the mill. That, Sir, is an example of how educated workmen compare generally with the non-educated.

My Honourable friend, Khan Bahadur Dr. Sir Nasarvanji Choksy, suggested that there should be more frequent medical inspection of boys in the factories and that the three months' limit which was now in force as regards the getting of medical certificates was far too long. Sir, in that connection I might say that as regards the factories which are situated in the mofussil and which are far away from the headquarters of the district it is a practical difficulty to get a certificate from the civil surgeon in those places in a shorter time. Those factories cannot afford to pay the fares forward and backward from headquarters and so the three months' limit has done well in the past. As far as past experience is concerned, there does not seem to be any practical necessity for a change in this connection.

Another suggestion was made that the definition of "factory" should be enlarged and that smaller factories should be brought under the operation of the Factories Act. Sir, I have already said that, as far as the cotton industry is concerned, we are still very backward and that it will be to the detriment of the cotton industry if the provisions of this Bill are extended to it. In case this Bill is passed into law it will also necessarily mean that the employer will have to increase the price for the manufactured cotton goods, and that will tell to a great extent upon the poor people of India. After all, the factories are not charitable institutions. They have to make ends meet, so the price of the finished product will have to increase. It was also observed that the present prices were very high. That is wrong. It is well known that the lowest prices prevail at present.

Reference was made to agricultural labour—whether there will be any fixed hours of work there also, because they are the greatest employers of labour in India. I hope they will also follow suit and give a lead in this beneficial direction. As this is an important measure, I do not propose to oppose it. I have merely made remarks from the point of view of an employer of labour.

With these remarks, Sir, I resume my seat.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I have very little to add to the remarks made by the Honourable Sir Frank Noyce. Since he spoke, only two speakers have addressed the House and both of them have given their full support to the Bill. The Honourable the Leader of the Opposition has raised a few points of detail which perhaps could be discussed further when the stage of consideration is reached. Nothing remains for me now but to thank the last two speakers for the support they have given to the Bill and to repeat the statement of the Honourable Sir Phiroze Sethna that the Bill should meet with the approval of both employers and labour. I trust that the further passage of the Bill will be speedy.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to consolidate and amend the law regulating labour in factories, 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: The Question is:

"That clause 5 stand part of the Bill."

Here I must point out to the Council that the Honourable Mr. Sapru has given notice of four amendments. This notice was given yesterday, the 13th instant, and these amendments are inadmissible under Standing Order 45 because two days' clear notice is required for these amendments. However, in view of the fact that a considerable amount of interest was evinced in two of these amendments this morning, namely, those regarding the reduction of hours of work and labour, I am prepared to suspend the Standing Order provided the Member in charge of Government agrees to this proposal. I would like to know his decision in the matter.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, Government has no wish to place any obstacle in the way of full discussion of this important measure.

THE HONOURABLE THE PRESIDENT: In view of this, I will allow the amendments.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I rise to move:

"That in sub-clause (*1*) of clause 5, for the word 'ten' the word 'five' be substituted."

Clause 5 gives power to Local Governments to declare any premises whereon or within the precincts whereof a manufacturing process is carried on a factory provided more than 10 persons are working in that factory. It modifies the definition of "factory" given in clause 2 (*j*). My amendment would reduce the number to five. I would give the Local Government discretion to declare as premises a factory even if five persons or more are working in those premises. The reason is this. It is merely a discretionary power that we are giving to the Local Government, and we may assume that the Local Government will act wisely and in the interests of the workers. In some of these small factories, I understand conditions are very very bad, particularly in the factories in Madras and in the bangle factories in Ferozabad. For this reason, I think the limit should be reduced to five, and I would commend this amendment to the acceptance of the House.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Can you give any instances of factories where they employ only five hands or less?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I cannot answer that off-hand. I have given two instances, and I suggest that the limit should be reduced to five.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I think to refer to a small room in which five people are working as a factory is a misuse of the term. The Honourable Member referred to factories making glass bangles. I doubt very much whether these will be factories within the meaning of the Act which requires that power should be used.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I invite the attention of the Honourable Member to the following words:

"Declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power."

What my amendment would really amount to is that it would reduce the number to five instead of to 10——

THE HONOURABLE MR. D. G. MITCHELL: I would put it to the House that five is too small a number to be called a factory. Further, if this power were given to Local Governments, and if they are to avail themselves of it to any degree, the expense involved would be quite incommensurate with the benefit derived. I oppose the amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to oppose this amendment because it will lead to the annihilation of cottage industries. I wanted the number to be put at 20, but did not move an amendment because the sense of the House seemed against it. It means that even a small industry worked by members of one family comprising five members will be treated as a factory to the misfortune of the family.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Since the Government does not accept this amendment may I hope that this provision will be given effect to and all possible places where 10 or more labourers are employed brought under the Act?

THE HONOURABLE MR. D. G. MITCHELL: I am afraid I can give no such undertaking. The question is one for the discretion of the Local Government and I have no doubt the Local Government will use its discretion properly.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Government get any returns from the Local Government about this?

THE HONOURABLE MR. D. G. MITCHELL: The returns can be culled from the official Gazettes, if any body desires to do so.

THE HONOURABLE SIR FRANK NOYCE: The Local Governments publish annual reports on the working of the Factories Act. If there is any extension to factories employing from 10 to 19 workpeople that fact will be duly mentioned in the reports.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in sub-clause (*1*) of clause 5, for the word 'ten' the word 'five' be substituted."

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 5 was added to the Bill.

Clauses 6, 7, 8, 9 and 10 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 11 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move:

"That in sub-clause (*b*) of clause 11, after the word 'registers' the words 'during working hours' be inserted."

This is a very simple amendment. Under clause 10 (*4*) and (*5*), every district magistrate shall be an inspector for his district, and under sub-clause (*5*) the Local Government may

"Appoint such public officers as it thinks fit to be additional inspectors for all or any of the purposes of this Act."

So, if this power had been limited to factory inspectors who know everything and are competent to deal with everything, it would not have been

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

harmful. But as this power may be given to all sorts of officials and non-officials as additional inspectors, we are afraid that they may go to a factory at a very unusual hour and demand the registers located in the office. It will be very difficult for the management to get the offices opened for the inspection of registers at an unusual hour. Factories are working for 24 hours and every inspector would be welcome to examine anything he likes. So far as the register of attendance is concerned it is always kept at the gate with the time-keeper; from that register the number of men employed in each shift can be known and he can examine whether they are working properly or not. But the examination of all the detailed registers at an unusual hour would certainly put a great hardship on the management, and if they refuse to show them they will incur the displeasure of the inspector who may prosecute the factory and they may be fined Rs. 500 to Rs. 1,000. Therefore when the factory office hours are the usual hours of 10 A.M. to 4 or 5 P.M., the inspector ought to come within those hours, when the whole staff is available. I therefore hope the Government will accept this amendment.

THE HONOURABLE MR. D. G. MITCHELL: Sir, Government cannot accept this amendment. Its effect would be to deprive the inspector of the opportunity of making what is really the most valuable type of inspection. Suppose, for instance, the working hours of a factory are 7 A.M. to 5 P.M. and the inspector suspects that people are being employed outside working hours, the proper time to go to that factory is about ten minutes past five o'clock—

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am talking only of examination of registers, not about the examination of factory precincts.

THE HONOURABLE MR. D. G. MITCHELL: The section as amended by the Honourable Member would read that

"The inspector may make such examination of the premises and plant and of any prescribed registers during working hours."

In any case the examination of these registers will be an essential part in checking whether or not the factory is employing workmen outside hours. Again, suppose he started an investigation within working hours; must he stop work and leave the completion of his inspection till the next day, thereby giving the manager an opportunity of putting the registers into proper order? I think the Honourable Member might very well remember that inspectors are just as human as he is. They like to have their evenings to themselves and to get to bed at a reasonable hour. He should also remember that they are subject to discipline like all Government servants, and if any inspector should abuse his powers in this respect he would certainly be subject to check by higher authority.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in sub-clause (*b*) of clause 11, after the word 'registers' the words 'during working hours' be inserted."

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 11 was added to the Bill.

Clauses 12, 13 and 14 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 15 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I move:

"That in sub-clause (*3*) of clause 15, for the words 'specifying the measures which in his opinion should be adopted' the words 'that effective measures shall be taken' be substituted."

Sir, the object of this amendment is not in any way to defeat the object of the section. The question is whether these inspectors will be satisfied with certain measures which the factories would adopt for removing the defects so far as health and safety are concerned by the technical men employed in the factories or they will specify themselves. Sir, all the inspectors will not be competent to prescribe measures for cleanliness, health and safety. If this had been limited to medical officers alone, I would have understood the position. As it implies that all the inspectors and the additional inspectors will be very competent to prescribe such technical things I cannot agree with the words of the clause. I think it would be better if the words

"specifying the measures which in his opinion should be adopted" are substituted by the words "that effective measures shall be taken".

Sir, we all know that if inspectors and additional inspectors are to prescribe the measures, it will become very costly for the factories or it may not be possible for the management of the factory to carry out the work in the period fixed by the inspector, but once the management files an appeal against the orders of the inspector, they will always be harassed by him and the feelings will be bitter between the inspectors, additional inspectors and the management of the factory. Therefore if this technical matter is to be left for technical men in the factory, it will be both in the interests of the factory and the object will be served. Therefore I move this amendment.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I gather from the Honourable Member that an inspector is unable to tell when water is dirty, but that the employer of a factory is eminently qualified to do so. There is a contrast between the procedure proposed in the Bill and the procedure which the Honourable Member proposes. The procedure in the Bill is clear and I trust satisfactory. The procedure proposed by the Honourable Member will drag on interminably and will probably involve the unfortunate employer in legal costs exceeding the cost of the measures which he is requested to take. The Honourable Member proposes that the notice served on the manager of the factory should merely require him to take effective measures. Suppose he does not?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: He will be prosecuted.

THE HONOURABLE MR. D. G. MITCHELL: And what will be the result? Whether or not the measure is effective is a practical thing to be decided on the

[Mr. D. G. Mitchell.]

spot by people who know about it and who will see the evidence. If the amendment is adopted, then in any case where the inspector is not satisfied with the measures taken, he can only prosecute, and the practical issue of whether the measures taken are adequate or not will have to be decided in court largely on oral evidence. The trial will spin out indefinitely and will be very costly. If, however, the procedure proposed in the Bill is adopted, all that is required is that the inspector should see if his proposals have been carried out or not. If they are not, then he files a prosecution on the straightforward issue whether the proposals have been carried out or not. I put it to this House that this amendment is ill-conceived and will land employers and managers of factories in greater trouble than the procedure proposed in the Bill.

THE HONOURABLE MR. HOSSAIN IMAM: In what class of factories is this artificial humidification required ?

THE HONOURABLE MR. D. G. MITCHELL: I understand mostly in cotton textile factories.

THE HONOURABLE MR. HOSSAIN IMAM: That was my impression too. It is not generally applicable to all factories.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: What about sugar factories ?

THE HONOURABLE MR. D. G. MITCHELL: The Honourable Member is in a position to give more information on that subject than I can.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in sub-clause (*3*) of clause 15, for the words 'specifying the measures which in his opinion should be adopted' the words 'that effective measures shall be taken' be substituted."

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 15 was added to the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I do not wish to move the next amendment which is a similar one.

Clause 16 was added to the Bill.

Clauses 17 to 32 were added to the Bill.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, I have considered the matter in the light of the remarks made in this Council——

THE HONOURABLE THE PRESIDENT: If you are going to withdraw, you are not entitled to make a speech.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I do not wish to move my amendment.

Clause 33 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 34 stand part of the Bill."

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, I move:

"That in clause 34 for the word 'fifty-four' the word 'forty-eight' be substituted."

"That in clause 34, for the word 'sixty' the word 'fifty-four' be substituted."

The case against this amendment has been put forward with great eloquence by Sir Phiroze Sethna, but may I respectfully put the case for this amendment also before the House ? India as we know is an exceptionally hot country and a man gets tired very soon. I do a certain amount of mental work myself and after four or five hours of hard work, my mind refuses to work and I cannot work at all. If that is so with mental work, what must be the case with manual work, work which involves work in factories ? Then, Sir, you have to consider the effect that these long hours have on the health and the body of a people who are under-nourished and whose diet is not really what diet ought to be. It is said that these long hours do not really matter because discipline is lax in Indian factories. The question that I should like to put is why is discipline lax in Indian factories ? Is it not a fact that discipline is lax in Indian factories because the hours are long ? If you reduce the hours you may be able to enforce a rigid standard of discipline. Then, Sir, it is said that there is no over-production here. Well, that means that you are all the time thinking in terms of profits. Take, for example, the great experiment which is being carried on in America. President Roosevelt has reduced the hours of work and increased the wages. And here, Sir, I would submit that the question is primarily a humanitarian one. We cannot place profits before humanity. We must place humanity before profits and it is from this point of view that I would ask the House to approach this question. Then, Sir, there is another point of view and it is this. We are giving protection to our industrialists. Now we are living in a world of tariffs, of import quotas and I recognise it is not possible for a man to be an orthodox free trader. I do not grudge the protection which our industrialists are getting. But if you are protecting our industrialists, you must also protect our workers, who also have a right to protection. And if you will be fair to your workers, if you will be considerate towards them, they will also be loyal towards you. That is the point which I would earnestly ask the employers of labour to consider.

Then it is said we have Japanese competition and Japan is dumping cheap goods in the Indian market and there are no restrictions of hours in Japan. Well, Sir, the answer to that is, if you follow this argument to its logical conclusion and if you want to beat Japan, do not have any hours at all. You will be able to compete with Japan successfully when you copy Japan in the methods she is pursuing. But you cannot copy Japan in those methods because you think that those methods are not right. Therefore, Sir, there are certain moral values for which we have to stand and it is for these reasons that I would ask the House to accept my amendment.

The Honourable Sir Frank Noyce told us that the Labour Commission had decided against this amendment. Now, Sir, the position is that the majority of the Labour Commissioners were against it, not the minority which was headed by my respected friend, Mr. Joshi. The minority suggested this change and they went carefully into the matter and they thought that it would have no effect

[Pandit Prakash Narain Sapru.]

either on the wages of the worker or the productive capacity of the mills. You say, if you reduce hours, wages will go down. Well, I do not think this will happen. Employers always say this. I have no doubt that the worker will be able to successfully resist a cut in wages. The point is that I put this amendment on humanitarian grounds and I would ask this House to show its sympathy with the ordinary factory labourer by passing this amendment.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I only want to inquire from the Honourable Pandit Prakash Narain Sapru whether he wants the hours mentioned in the proviso to clause 34 also to be amended? Otherwise there may be a conflict.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Consequential amendments will have to follow.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I rise to oppose the amendment. As I have given my reasons for it already and as my Honourable friend Sir Phiroze Sethna has given very substantial reasons for its rejection, I do not want to dwell much on it, but as my Honourable friend Pandit Prakash Narain Sapru has moved this amendment on humanitarian grounds I want to say that employers can only employ labour if they can make a profit. If there is no profit employers will not employ labour and we know that at present the question of unemployment is very acute and so far if no efficient solution has been found I wish that labourers might be paid more and they might work less but after all how is it to be done? We must proceed practically. We want Indian industries to thrive and they cannot thrive if so many restrictions are imposed upon them. The price of the manufactured cotton product is not in the hands of the employer. We have to watch world-wide prices and then arrange our prices. If we were the dictators of our own prices as employers of labour we would not mind any sort of restriction but as long as we have to compete in the world market and even when the efforts of the Government of India to raise prices have not succeeded so far, I think that this amendment is inopportune. We ought not to follow the humanitarian ground in case it is not practicable. To me it seems that in this Bill we are only protecting the labourers and not their employers.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam: Non-Muhammadan): Sir, I rise to oppose this amendment. This Bill is based on the recommendations of the Royal Commission on Labour who arrived at their conclusions after taking all the evidence available in the country in all the industrial and labour centres and after taking all the facts into consideration, having all the while due regard to the circumstances obtaining in the country. Then again, it has emerged from a select committee where it was gone through very carefully and very thoroughly. Now, Sir, my friend, the Honourable Pandit Prakash Narain Sapru, has come forward with an amendment to reduce the working period to 48 hours a week in the case of the perennial factories and to 54 hours a week in the case of the seasonal factories. In the case of the perennial factories, it has been asserted, 54 hours a week is too long; that in a hot, enervating climate like that of India, 54 hours a week will

bring about fatigue and ultimate breakdown in the health of labour. Was not this fact taken note of by the Royal Commission? Why, a minority of three dissenting members, Messrs. Cliff, Joshi and Chamanlal even distinctly wanted a 48-hour week. And what then? In spite of this, the remaining seven members of the Commission thought that 54 hours a week would be very fair and adequate both for the employed as well as for the employer. Analogies have been drawn from the highly industrialised countries of the west. It is stated that they work for 48 hours a week. It is well and good. But is the analogy a happy one? Conditions in India are vastly different from those obtaining in those highly industrialised countries of the west. Indian labour, at present, is not as efficient as those of the west. They do not approximate themselves as nearly to the western standard of discipline. The Royal Commission have examined the subject most scrutinisingly and examined it most thoroughly. And what do they say in their Report? They say:

"The introduction of the lower limit would involve a change of hours in the great majority of the perennial factories and it would mean a very heavy reduction in the factories now working 60 hours. Many operatives would have to face large reductions in their earnings and, while we do not doubt that part of this loss would be made good before long, we are not convinced that the operatives as a whole are in a position to regain their old standard in any reasonable short period. From the point of view of industry, the employer is entitled to claim that, until the worker is ready to approximate more nearly to western standards of discipline, it is unreasonable to attempt an eight-hour day, and even an eight and a half hour day would involve an amount of dislocation that would be serious".

4 P.M.

The western standard is quite different and for the time being cannot bear analogy to the standard in India. The Royal Commission on Labour took stock of all that. It is a fact that as far back as 1921 the Washington Convention accepted eight hours a day for workers. Was not this fact then known to the Royal Commission who investigated into the same subject in India 10 years later? Did they not take all this into account? They were all capable, experienced and disinterested people, the best that the United Kingdom and India could put up and the most competent that His Majesty's Government could think of and presided by no less a person than Mr. Whitley, the once famous Speaker of the House of Commons. And what was their verdict on the subject? Their verdict was that the working hours should be fixed at 54 hours a week. And they pronounced this verdict after they had visited all the industrial centres of India, after they had visited the various labour centres of the country and after they had collected and very carefully considered all the materials on the subject, both for and against.

Sir, the labour in the west belong to highly industrialised countries. India is an agricultural country and the industries over here are only in the making and developing. These countries of the west are seriously faced with the problem of over-production and consequent glut in the world markets. Various devices have been resorted to in these countries to cut down over-production and short hours is one of those principal devices. India, on the other hand, cannot produce her own demands. The Bill has already cut down the working hours in the factories and reduced them from 60 hours a week to 54 hours a week. This should not be grudged by the employers and the Employers' Federation of India has accepted the 54-hour week. This is in the best mutual interests of

[Srijut Heramba Prosad Barua.]

the employed and employer and effectively satisfies the requirements of a progressive legislation in the country. But to cut down the working hours further to 48 hours a week will be nothing short of cramping the industrial development of the country and make the industries of countries outside India like Japan thrive and prosper at the cost of India. So, when we think of improving the condition of labour, we must not forget the development of our industries upon which the prosperity of the country so much depends. Labour and industry must mutually exist for each other and labour certainly cannot benefit at the cost of industries. Further, present economic conditions do not warrant reduction of working hours from 54 hours to 48 hours a week. To cut down the working hours more will be an unreasonable demand made on the employers, and for the matter of that, on the industries.

Next, Sir, I turn to the seasonal factories. Here again my friend, the Honourable Mr. Sapru, has sought to reduce the working hours from 60 hours a week to 54 hours a week. Sir, I do not know much of the other seasonal factories. Coming as I do from the tea districts of Assam, I presume to have some direct knowledge of the tea industry and the conditions obtaining in a tea factory. Tea is more an agricultural than an industrial produce. Seventy-five per cent. of its operations is agricultural and only 25 per cent. industrial. I may say that only the finish is given in a factory for garnering after the tea crop is harvested. A tea factory is a seasonal factory. It works for less than six months in the year. For the first four months of the year a tea factory is absolutely closed. The tea bushes are cut down or pruned as it is called and purely agricultural operations are carried on for these four months, such as cultivation, manuring, draining, and the like, and there is no leaf for manufacture in a factory in these few months. Then come the spring showers and with them the shoots out of the pruned bushes and some sort of a plucking is done which is known as tipping. Then comes plucking from time to time, say two or three days in a week till the bushes have given sufficient shoots for plucking and this covers a period of four months. During this time, factories are run for less than half the working hours of the day and then again very often on alternate days.

THE HONOURABLE THE PRESIDENT: I am afraid you are not discussing the Bill. Please confine yourself to the amendment before the House.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: I am just explaining the condition obtaining in the tea factories, Sir. I am going to be rather brief.

THE HONOURABLE THE PRESIDENT: That would have been an appropriate speech this morning, but not now.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Tea is a peculiar commodity, Sir. If its harvesting is put off for a day or two, the quality will greatly deteriorate. So the plucking could not be put off, and the manufacture could not be put off, and the manufacture has to be done after about 18 to 20 hours of its plucking. There is a rush of leaves during the last four months of the year and it is at this time that the labour has to work for nine to ten hours a day. If, during this period, the working hours are

reduced from 60 to 54 hours a week, it will put a great strain on the industry and bring about its ruin in the near future. The tea industry in the Dutch East Indies where the climatic conditions permit plucking and manufacture throughout the year will find it very easy to kill the Indian tea industry by ousting it from the market in no time. Further, such a measure is absolutely unwarranted by the fact that the Indian tea industry has barely emerged from a crisis the like of it had never before. It was only in June, 1932, that this Honourable House passed legislation for the control of tea export from India to save this major industry from utter ruin.

THE HONOURABLE THE PRESIDENT: All this is superfluous. I must ask the Honourable Member to confine himself to the amendment before the House.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: It has been said that reduced hours will give work to the unemployed. There is no unemployed amongst the tea garden employees. The tea industry has been all along suffering from inadequate labour. There is strong competition among employers to secure more labour and the workers invariably profit by this competition. The short hours will do good neither to the employer nor to the employee and for the extra work he does, he makes an extra earning which he considers to be a form of commission, and which go to make his wages quite decent and economic.

Sir, with these words, I oppose the amendment.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Sir, I will not take up much of the time of the House. We have heard the Leader of the Opposition who admits that he is an industrialist, and he has placed the case of the factory owners before us. Behind him is sitting my young friend, the Honourable Pandit Prakash Narain Sapru who, if I may say so, is a member of his Party. He has placed before us the case of labour.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I may say that we have not made this a party question.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH: When it suits us, we never make it! That shows that in the same party there is divergence of opinion. It is for this Honourable House to consider this question and weigh the pros and cons. We have to hold the scales even between capital and labour. I need not repeat the various arguments that have been already advanced against this amendment. I will only say that we should not be humanitarian and generous at the cost of some one else. Neither industry nor labour can prosper without mutual goodwill and mutual co-operation. The figure 54 was arrived at by the Royal Commission after careful consideration, and the hours have been reduced from 60 to 54. The Member in charge has clearly told the House that this is merely the first instalment of reform. After some time, if circumstances change, we may hereafter reduce still further the number of hours.

With these remarks, Sir, I resume my seat.

*THE HONOURABLE MR. HOSSAIN IMAM: Sir, in every living organization we always find strife and that proves only that it is a live organization and not a dead body. We know that in the Government there was very recently a difference of opinion in the Executive Council itself and we know how it was composed. So much for the differences among us.

I find in this question of the hours of work there is an alliance, holy or unholy, between Government and the employers of labour. Industrialists first of all in the Royal Commission took up the attitude that the hours should not be reduced from 60. The labour leaders wanted 48 hours a week. The Government by a process of subtraction and division by two came to the conclusion that 54 hours was what they should support. By this course it cannot be said of course that the Government sided with one or the other. But it was open to Government to do something more for ameliorating the conditions of labour, either by not exactly dividing the difference thus or by bringing in this measure a good deal earlier. The Labour Commission reported in 1930 and four years have been wasted. In factories where work is continuous we find that 54-hour shifts are very inconvenient. The factories are working 144 hours in the week, and that has to be divided into shifts and you cannot exactly divide that by 54 hours. The usual practice in all factories working continuously is to have a 48-hour week and to have 8 hour shifts; so that even industrialists realize that it is better to have the 8-hour shift rather than the 9-hour shift which Government is placing before us. Not only does the 54-hour week make it difficult to apportion the shifts, but that directly affects the expansion of industry. If we had 48 hour shifts the production of units would be reduced by one-ninth; so that the same amount of goods which is now produced by eight factories would require nine factories if 48-hour shifts were adopted, and we would thereby give more employment to more people. Take the textile industry. We are aware that it is passing through a very difficult time; but does the House realise that there are any number of mills which are lying idle and there are on the other hand mills which are working overtime and working under pressure. Sir, the one principle which seems to have been forgotten by this House is that the increase in the consumer's purchasing power is a great asset which directly contributes to increased prosperity. When you stop the velocity of money by restricting it in a few hands, you are thereby stopping the expansion of trade. I think the position in America sufficiently indicates that the times now require more liberal and radical steps being taken to counteract the influence of the trade depression. We are still in the rut and we still think that what was regarded as good economics in the Eighties and Nineties is applicable to the present year of grace 1934. In America we find that hours of work have been reduced, while wages have advanced. They are no doubt making a huge experiment and you cannot say that it is an accomplished fact. But if we cannot do things on the same grand scale I see no harm if the Government had taken a modest step of introducing a 48-hour week as a step in advance in order to see how it reacts on the prosperity and purchasing power of the people. Sir, in the discussion on the 48-hour week in the other House every elected Member supported this measure. That, Sir, in itself goes to show which way the wind blows. But in this House——

* Speech not corrected by the Honourable Member.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Which way the wind blows?

THE HONOURABLE MR. HOSSAIN IMAM: Yes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Election way! (Laughter.)

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the only argument which has been advanced by the Government was that the industries are not prepared for it. May I ask them, when we consumers are asked to pay for their sustenance by subjecting ourselves to increasing burdens of taxation in the shape of protection duties, do they think of what may happen to the consumers? Then they are all for their own interests. The industries must be supported because they are national industries. But national industries must behave in a national manner. We do not wish them to give *largesse;* we wish them to do only justice. It is not that it is impossible for the industrialists to give us shorter hours. Because, Sir, for most of the industries we have passed safeguarding Acts, simply on the bare fact that they came before the Government, a hurried look into the industry was made and it was decided that it should be supported. Take the case of the textile industry. There the Tariff Board Report went by the board, and on the strength of the Mody-Lees Pact and the Indo-Japanese Agreement the basis was formed. There we supported a national industry. We find that on account of the decrease in the price of foodstuffs, even if there is a little reduction in the wages, it could not decrease the real purchasing power, and as far as I have been able to find out the industries have taken advantage of the reduced prices of commodities. There are honourable exceptions no doubt. In most of the industries the wages have gone down already. We are already suffering from reduced wages. If you reduce wages, you at once place the industry not in a position to dictate terms to labour, but in a position of equality, because more men have to be employed to produce the same quantity of goods, and by increasing the demand for labour you at once put them at a premium and not in a disadvantageous position. I therefore feel no reason why this amendment should not be acceptable to the Government and why it should be opposed.

THE HONOURABLE MR. D. G. MITCHELL: Sir, the fact that my Honourable friend, Pandit Prakash Narain Sapru, has moved this amendment after listening to the course of the debate in the House this morning, in which the opinion of the House was very clearly brought out, is a great tribute to the strength of his convictions; but I would suggest to him that his decision to press the amendment was made after four or five hours of hard work, after industrial fatigue had set in. This suggestion is strengthened by his not very happy reference to the strong emergency measures taken in America in regard to which I can only say that I sincerely hope that India will never be in a position to require such measures. The Honourable Pandit Prakash Narain Sapru referred to the greater liability to industrial fatigue of workers in India and he also mentioned the serious lack of discipline in the way of attendance at actual work in mills in India. I would point out to him that these were matters which were considered in very great detail indeed by the Royal Commission on Labour, but notwithstanding that they came to the considered decision that not the 48 hour week should be adopted but the 54. I have very little to add on

[Mr. D. G. Mitchell.]

the general question to what has already been said by other Members of the House, and in particular, with great cogency by the Honourable Sir Phiroze Sethna. I would only select from the Honourable Mr. Hossain Imam's somewhat astonishing essay in political economy one particular point, *viz.*, that if you reduce working hours from nine hours to eight hours a day, then instead of eight factories, nine factories will be required to produce the goods and therefore the industry will expand ; in other words, the expansion will occur not in production of extra goods, but in the building of another factory and the imposition on the industry of overhead charges, for plant, buildings, depreciation, interest, manager's salaries, directors' fees and such like. If he regards that as an expansion of the industry, then I suggest to him that he should think over the subject again and come to the conclusion that the proper thing to do is to increase the hours of employment and reduce the number of factories which would produce the same quantity of goods.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That in clause 34, for the word 'fifty-four' the word 'forty-eight' be substituted."
"That in clause 34, for the word 'sixty' the word 'fifty-four' be substituted."

The Question is :

"That that amendment be made."

The Motion was negatived.

Clause 34 was added to the Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

"That clause 35 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I beg to move :

"That item (*i*) of sub-clause (*1*)(*b*) of clause 35 be omitted, and that the brackets and figures '(*ii*)' be deleted."

As Honourable Members are perhaps aware, under section 35 it is required that every Sunday should be declared a holiday and if the manager wants to give a holiday on any other day instead of a Sunday, he is required to deliver a notice in the office of the inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted for the Sunday. Sir, I have no quarrel so far as the giving of notice is concerned, but under sub-section (*1*) (*b*) he will have to place the notice in the office of the inspector on a previous day for substituting a day and we all know that the offices of the inspector are not very close to the factory. I am speaking from my own personal experience. On some days the workers come to the manager and make a request that they are willing to work on Sunday if they are given a holiday, say, on Monday. Requests like that are made even at the eleventh hour on account of some fair close by, and just to satisfy the workers the manager makes the change. If this sub-section is retained it will not be possible for the manager to substitute any day at the eleventh hour, unless he has given notice to the office of the inspector. The purpose of this is that the inspector should be acquainted with the change of holidays. I have no quarrel on that account ;

but if the clause is kept as it is I think this will go against the workers and if they will require any substitution of holidays it will not be possible for the manager to make. Therefore, Sir, it is in the interests of the workers as well as the employers that this should be deleted and there will be absolutely no harm. I therefore commend this Motion to the acceptance of the House.

THE HONOURABLE MR. D. G. MITCHELL : Sir, the feature of the Bill to which the Honourable Member objects has been in the law since 1911 and so far as we are aware it has given rise to no difficulties.

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

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I beg to move :

"That after sub-clause (*3*) of clause 35, the following proviso be added, namely :

'Provided that in case of seasonal factories, holidays will be given once a fortnight in the manner prescribed on condition that the workers will not have to work for more than fifty-six hours a week'."

Sir, the conditions in seasonal factories are quite different from those in factories which work for the whole year. They work for a particular period in which they get raw materials and therefore they never work for more than six months. Every day for them is very precious. So far as the workers are concerned, they have also to pay much more wages than the factories which work all the year round because the workers think that whatever they can get is only for the season the factory is working. They will be unemployed for the rest of the season. So, Sir, the owners of the seasonal factories give more wages to their workers on account of the short period they employ them and they want to utilise every day possible in the season. My amendment refers only to the seasonal factories. Under section 34, the workers in a seasonal factory are allowed to work up to 60 hours a week. In this proviso I have reduced the 60 to 56 if a particular seasonal factory wants to give a holiday, once a fortnight instead of once a week. The difference is only of four hours in a fortnight. If they work for a full week and work for 60 hours, they will get a holiday on Sundays. If they work for two weeks and they get holiday for a day and work for 56 hours they will be the loser of only four hours in two weeks. Therefore, Sir, this amendment will help the seasonal factories very much and will not harm the workers. The question is only one of four hours in a fortnight. I therefore commend this amendment to the House and hope the Government will accept it.

THE HONOURABLE MR. D. G. MITCHELL : Sir, the Honourable Member points out that seasonal factories work in a hurry. For that reason he proposes to reduce working hours in the working week from 60 hours to 56 hours. I am unable to understand how the reduction will help these factories to work faster ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : They will get one full day.

THE HONOURABLE MR. D. G. MITCHELL : In that case, during one week of the fortnight they will work for eight hours a day. The Bill proposes

[Mr. D. G. Mitchell.]

to allow, as you will see, 11 hours a day. Sir, the amendment would be revolutionary. We could not possibly accept a 56-hour week in a seasonal factory without consulting the whole of the industry concerned. I oppose the amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That after sub-clause (3) of clause 35, the following proviso be added, namely:

'Provided that in case of seasonal factories, holiday will be given once a fortnight in the manner prescribed on condition that the workers will not have to work for more than fifty-six hours a week.'"

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 35 was added to the Bill.

Clauses 36 to 59 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 60 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I beg to move:

"That in clause 60, for the words 'five hundred' the words 'two hundred' be substituted."

Sir, by moving this amendment I want to reduce the maximum fine from Rs. 500 to Rs. 200 in the case of the factories going against the instructions of the inspectors. Sir, under this Act, as I have read, numerous instructions are to be sent to the factory inspectors for every change that is made in the factory as well as many things about the daily working of the factory. It is just possible that in the rush of work the manager may forget to send these instructions to the inspector who can prosecute the factory and the factory manager will be liable to a fine up to Rs. 500 for his unintentional neglect. Now, Sir, there is one argument that will be placed against this. How is it supposed that he will be fined the maximum, that is Rs. 500? He may be fined, say, Rs. 2. To that argument I must say, Sir, that the case will go to the magistrate and I do not know for what reasons but I find in daily life that heavy fines are always inflicted by the magistrate.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Why?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: It may be due to some instruction from the Government or it may be possible they want to please the Government because more money is brought into the coffers of the Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: To save the labourers.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I beg to differ from the view that is taken by the Leader of the House. But I am sure, and I hope many Members of the House will agree,

that heavy fines are inflicted by the magistrates in these days and therefore the chances are that for this unintentional neglect the manager will be fined heavily. I therefore move this amendment and hope it will find acceptance of the House.

THE HONOURABLE MR. D. G. MITCHELL: Sir, this provision appears in the old Act of 1911. In the very voluminous papers I have read connected with this Bill, I have seen many complaints from responsible people that the fines inflicted are on the average very, very much too low. I have seen no reported complaint that the fines are too heavy. I would point out, Sir, that some of the offences may be very serious indeed—employment of women and children over hours and matters of that sort, which may mean considerable improper gain to the employer, and may be very serious so far as the children and women are concerned. For offences of that kind a fine of Rs. 200 is insufficient. Sir, I oppose the amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in clause 60, for the words 'five hundred' the words 'two hundred' be substituted."

The Question is:

"That that amendment be made."

The Motion was negatived.

Clause 60 was added to the Bill.

THE HONOURABLE THE PRESIDENT: I suppose that in view of this decision, just pronounced by the House, you will not press your amendments Nos. 7, 8 and 9 on clause 61.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I will not move them.

Clause 61 was added to the Bill.

Clauses 62 to 73 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 74 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I beg to move:

"That after sub-clause (2) of clause 74, the following proviso be added, namely:

'Provided that factories registered under Co-operative Societies Act, II of 1912, shall be liable for trial under the same Act and the rules framed thereunder'."

Sir, this amendment of mine is simply in the interests of the factories that are working and are registered under the Co-operative Societies Act. We all know that they are very few in India. They are meant for the benefit of the poor agriculturist who are members of these factories. The intention of these factories is never to earn high profits and declare high dividends, as is the case with other factories. So much so, that the dividend is limited under the Act. Not more than 10 per cent. dividend can be declared by these factories. They cannot go beyond that without exemption from Government. The

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

object of these factories is simply to give as much advantage as possible to the agriculturist. Most of them are managed by non-official workers who do not get anything out of them. They merely work for the sake of their own countrymen and the agriculturist. Under this Act numerous instructions will have to be sent by them to the inspectors. You cannot expect an honorary worker to do as much as is required under this Act and supply every information to the inspector. Therefore, if this information is not sent to the inspector they can be prosecuted under the Act and tried by the magistrate who may impose as high a fine as Rs. 500 in the first instance, Rs. 750 in the second instance, and so on. Under the Co-operative Societies Act, all the disputes in the factory are tried and decided by the Registrar in arbitration. They are exempted from the Stamp Act and court-fees. All this Government has done because they have been established for the benefit of the agriculturist. If this proviso were not added, I am afraid the workers will not come forward to manage these factories because they will always be afraid of the penalty clauses. I would therefore request the Government to accept this amendment. If they have given so many facilities to these factories, they may as well give this one also. If this proviso is inserted in the Act, we can prevail upon the honorary workers that their case will be tried by the Registrar in the way they are being tried now and laid down in the Co-operative Societies Act, II of 1912. I would therefore request the Government to accept this amendment in the interests of the agriculturist.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I am sure the House is in full sympathy with the eloquent sentiments voiced by the Honourable Member. I myself would like to do as much as I possibly can to help co-operative societies, but to that end, I would not accept this amendment. It does not serve the purpose the Honourable Member has in view. In the first place, under the Co-operative Societies Act, there is no provision for a trial. In the second place, this Co-operative Societies Act mentions only one penalty, and that is, death. The only procedure contemplated by the Act is an investigation by the Registrar and the winding up and dissolution of the society. I presume the Honourable Member would not like that a society composed of many innocent and respectable agriculturists should be dissolved because the manager has made a slip under the Factories Act.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That after sub-clause (2) of clause 74, the following proviso be added, namely:

'Provided that factories registered under Co-operative Societies Act, II of 1912, shall be liable for trial under the same Act and the rules framed thereunder'."

The Question is:

"That that amendment be made.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I press this to a division, Sir,

THE HONOURABLE THE PRESIDENT: Are you really serious?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir.

THE HONOURABLE THE PRESIDENT: I noticed that except your voice there was no other voice supporting you, and I think the request for a division is frivolous.

The Motion was negatived.

Clause 74 was added to the Bill.

Clauses 75 to 82 were added to the Bill.

Schedule I was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

I would like to express on behalf of Sir Frank Noyce his great regret at being unable to be here at the Third Reading of the Bill. He is unavoidably detained in the other House. In conclusion I can only compliment my Honourable friends opposite for their gallant efforts in many a hopeless cause, and thank other Honourable Members for their support of the Bill.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, I am sorry to speak at this late hour but I promise not to detain the House more than five minutes. The Bill as now passed is satisfactory and I congratulate the Government in having put through this Bill. The difficulty is, however, I think to ensure that the Act is properly and fairly administered and I understand there have been instances of distinct hardship and harassment occurring in various provinces from time to time. I should like if you will permit me, Sir, to quote only one, of which an account appeared recently in the *Calcutta Weekly Notes*.

The case I am referring to is that of Superintendent and Remembrancer of Legal Affairs, Bengal, *v.* H. E. Watson, Director of the *Statesman* Printing Press. The Government's case is that an inspector under the Factories Act came to the *Statesman* offices at 9-30 A.M. on a Sunday morning in the middle of the last Puja holidays in Calcutta and was unable to see the employment register. He inspected the premises again four days later, that was on the 19th October last which was a gazetted holiday, and was shewn the register. On both occasions he was shewn the time sheets. One of the irregularities of which the inspector complained was that the data required had not been included in the register prescribed by the Act. It was explained to the inspector that these time sheets which he had been shewn were intended to supplement the employment register as the forms of register provided in the Act were unsuitable to the conditions of employment in a newspaper office where 14 shifts were sometimes worked.

As a result of this explanation, I understand the inspector was there and then informed that the system of maintaining registers had been approved by Mr. Adams, the then Chief Inspector of Factories, in whose opinion the keeping of the employment register and using the same in conjunction with the time sheet was sufficient compliance with the provisions of the Act and that this system had been in vogue without any objection from the authorities concerned for the *past ten years*. The Crown admitted that this information was given, and what was more they did not deny that it was true.

[Mr. E. Miller.]

The second complaint, seriously put forward, was that the register on the 19th October was not up to date ; and technically it certainly was not, for it had been duly written up to the 17th only while the 18th and 19th were gazetted holidays.

The third point was that Government complained that certain employees in the Advertisement section of the paper—in regard to some of whom it may be noted that the authorities were admittedly themselves doubtful as to whether the Act applied at all, but Government prosecuted none the less—had worked longer than the prescribed hours.

For these alleged transgressions the authorities decided to prosecute, choosing as the accused Mr. H. E. Watson, Director, *Statesman* Printing Press.

Now we come to the important part of this story of a reckless and irresponsible prosecution.

On the 24th October last, the inspector wrote to the *Statesman* setting out the alleged infractions of the law. The *Statesman* immediately replied saying that the irregularities complained of had been put right, setting out their views of what the Act really meant and requesting guidance as to whether the inspector agreed with their views. This letter was not even acknowledged and the proceedings were initiated. The charges were thrown out by the Chief Presidency Magistrate and one would have thought that the authorities would have been only too glad to let the matter drop. But no, the Government appealed to the High Court and instructed the Deputy Legal Remembrancer *to press every charge and to admit nothing.* During these further proceedings the authorities did not deny that the method of register and time sheet used by the *Statesman* had been accepted for the past ten years, but they argued that they were not bound, as the sanction was not in writing.

Finally another amazing fact emerged from the case. His Lordship Judge McNair during the hearing of the case asked for a copy of the rules framed under the Act and he was supplied with a copy which contained many marginal notes, presumably by some member of the department. His Lordship suggested that a clean copy might be supplied and was informed that both the Act and the rules framed under it were out of print and could not be obtained even by a factory which is governed by its provisions. It was gathered that the Government were unwilling to incur the expense of reprinting the Act.

Now this seems a scandalous position in that a factory owner wishing to study the rules by which he is bound and for breach whereof he may be prosecuted, cannot obtain a copy of them on application.

I may say that the appeal failed but that does not get away from the fact that Mr. Watson and other *Statesman* officials were unnecessarily harassed and the whole attitude of the authorities throughout was most reprehensible ; in fact in the words of the learned Judge the prosecution was one which " should never have been launched ".

I submit, therefore, that in the light of this and other instances that could be quoted, Government should take such steps as may be necessary to ensure that the Act is properly administered in all cases and that the rules are

administered properly and fairly by the authorities concerned. First of all, it is essential that no Act or rules framed under it, so long as the Act may be in force, shall be permitted to go out of print, and that copies will always be available on application. I believe that in America it is customary for the authorities to issue with an Act and its rules, a small explanatory pamphlet clarifying the intention of any point that seems necessary, and I commend this and my other remarks to the consideration of Government, with a view to taking up this question of proper administration with Provincial Governments.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, at this last stage of the Bill I simply want to say that this Bill will very likely retard the industrial progress of India. That is my prophesy and I think time will prove whether I am right or wrong. Sir, as this Bill is soon going to be passed, I want the Government to give due and legitimate protection to employers. The policy of the Government towards industries requires a favourable attitude. I wish that the surcharge on coal should be immediately done away with and also the surcharges on income and import duties withdrawn.

THE HONOURABLE THE PRESIDENT : The Bill has nothing to do with surcharges.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Well, Sir, with these remarks I resume my seat.

5 P.M. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I have very few observations to offer. I am in general sympathy with the main principles of this Bill and I think it is a Bill upon which the Department of Industries can well be congratulated by progressive Indian opinion. It incorporates many of the recommendations of that highly useful Commission, the Whitley Commission, which made an excellent and exhaustive report, a report which is useful for all workers in the cause of social welfare. Today, Sir, we have few who object to State interference in industry. The days of *laissez faire* are over. Speaking for myself, I have no fear of State intervention. If I have any criticisms to offer, I offer them in no unfriendly spirit. I know the Bill is a compromise measure. If I have any criticisms to offer they are these, that the Bill does not go far enough in certain directions. I should have indeed liked the Bill to go further in certain directions ; I have indicated the directions in which I would like the Bill to go further. One of those directions is the reduction of hours. Sir, after all that I have listened to, I remain convinced that efficiency of labour will improve if you shorten hours. If you give a man eight hours he will work more cheerfully, more joyfully, than if you give him work for nine or ten hours. That is a matter on which we agree to differ. I recognise, however, that the Bill is an improvement even in this respect over existing conditions. One of the things that I notice is that it does not prohibit the employment of women before and just after childbirth. It makes no provision for maternity benefit. I think, Sir, it is not right that we should make women——

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that different provinces have already passed legislation for maternity benefits?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: What I was saying was that there should have been some provision prohibiting the employment of women before and after confinement.

THE HONOURABLE THE PRESIDENT: That is exactly the point on which legislation has been enacted in the Provincial Legislatures.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I do not think that it has been done in the United Provinces. I can only speak with reference to my province. Then I should have liked the Government also —that does not arise strictly out of this Bill—to consider the desirability of proceeding with the recommendations of the Whitley Commission in regard to industrial councils. I will not elaborate that point further. I will leave it at that. Then, speaking for myself, I am not against any of the penal clauses of this Bill. I think we cannot punish too severely breaches or infractions of the law and the rules laid down under the Factories Act. The last observation that I should like to make is that there should have been some provision for the compulsory education of these factory labourers. The Honourable Sir Ghulam Husain Hidayatallah said that this was a matter for the Provincial Councils to consider. After all, health and safety are also provincial matters, yet you find provisions here in regard to health and safety. The point that I am emphasising is that there ought to have been some obligation cast upon the employer to provide education for children between 12 and 15 years. These are all the observations I have to make, and with these observations, I give my hearty support to the main principles of this Bill.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, at the Third Reading of a Bill it is not usual to indulge in detailed criticism. That is done at the initial stage. Now, I wish to put forward a few points to correct some of the misapprehensions which might have been created in the minds of my colleagues. In the first place, Sir Frank Noyce in his speech thought when I gave the instance of Tatas starting welfare work before the Act was passed that I was making an indictment. There was no necessity for it. My point was that we find that industries are advancing and one of the ways in which they are advancing without the help of the law was the instance I gave. I gave that as an illustration to show that in one respect the Act has come after action has been taken and in another respect where the Act does not come up to that standard. Sir, no one can deny that Sir Frank Noyce's career as the Member in charge of Industries and Labour has been marked by more pieces of legislation for the benefit of labour than during the time of most of his predecessors. But, Sir, it is only necessary for me to say that if he had advanced, so has the world advanced. Labour was not such a burning question some time ago as it is now. In the second place, it was mentioned by Sir Frank Noyce and followed up by Mr. Mitchell that it was not the right thing to reduce the hours. Sir, Government is usually very conservative——

*Speech not corrected by the Honourable Member.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Not the Liberal Government.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, we have no Liberal Government. His Majesty's Government is neither liberal nor have we got a Liberal Government here. On a famous occasion, the Honourable Sir George Schuster, when the Executive Council was under discussion, said as fol ows:.

"I would like to make an admission at once and that is that we have got to adjust ourselves, the Government must adjust themselves to the changing needs of the times".

When the Railways were under discussion, then the Railway Member admitted that given cheap money it was in their interests that more capital expenditure should be incurred. When we were discussing Pusa, the other day the Honourable Leader of the House pointed out that money was cheap and it was better to spend it; but when we ask that the industries should be increased and more money should be spent on industries, the Honourable Mr. Mitchell takes exception to it and questions my request. Sir, this legislation which has been brought forward has been acclaimed from all sides as an advance. No one has said that it is retrograde. What we have insisted on was that it was not in keeping with the time and I still adhere to that opinion in spite of the facts which have been placed by the supporters of the Bill and by the Governmen themselves. I have no hesitation in saying that it is a little lacking in advance.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to consolidate and amend the law regulating labour in factories, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 15th August, 1934.

COUNCIL OF STATE.

Wednesday, 15th August, 1934.

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.

Lower Selection Grade Examination for Promotion to the Cadre of Inspectors of Post Offices, Madras Circle.

99. The Honourable Diwan Bahadur G. NARAYANASWAMI CHETTY: (*a*) Will Government be pleased to state when the last lower selection grade examination for promotion to the cadre of Inspectors of Post Offices was held in the Madras circle and why it is not held annually?

(*b*) Do Government propose to hold an examination immediately?

(*c*) Do Government propose to waive the age limit of 35 years in the case of those junior officials who were 35 years or below in 1932?

The Honourable Mr. D. G. MITCHELL: (*a*) The last lowest selection grade examination for promotion to the cadre of Inspectors of Post Offices in the Madras Circle was held in 1930. No examination was held in 1931 as there was a sufficient number of passed men available and in 1932 this examination was abolished. The posts of Inspectors of Post Offices and of the Railway Mail Service and of Superintendents' Head Clerks were placed in a cadre separate from that of lower selection grade posts in the general line of the post office and a separate departmental examination was instituted for promotion to such posts. In this connection the Honourable Member is referred to the reply given in the Legislative Assembly on the 21st November, 1933 to part (*e*) of Mr. S. C. Mitra's unstarred question No. 206. The rules for the Inspectors' examination were formulated and published in December, 1933. According to these rules the examination will not be held annually if the head of a circle who is competent to hold the examination in any year, finds that the number of qualified candidates on the waiting list is excessive.

(*b*) Does not arise in view of the latter part of the reply given in the preceding paragraph.

(*c*) Government do not propose to make any relaxation of the existing rules in favour of the officials referred to by the Honourable Member.

DEATH OF Sir MANMOHANDAS RAMJI.

The Honourable the PRESIDENT: Honourable Members, it is with great sorrow that I have to announce the death of one of the old Members of

[Mr. President.]

this Council, Sir Manmohandas Ramji, who was also a Member of the First Assembly. He remained there till its dissolution and subsequently in 1925 he was elected a Member of this Council. He was a leading merchant and citizen of Bombay and the founder of the Indian Merchant's Chamber and a pioneer of Indian Insurance and took great interest in the affairs of this Council. We all remember the part which he took in the discussion on the Ratio Bill as well as on the Report of the Simon Commission. I feel that you would want me to put on record an expression of our sorrow at his death.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, as one who had the privilege of sitting in this Council for some years with the late Sir Manmohandas Ramji, I rise to give expression to the feelings of grief with which I am sure this Council has heard of his death. Sir, this Council, ever since its constitution in the beginning of 1921, has been very strong in finance and banking. Sir Manmohandas Ramji was one of those who added very considerably to the reputation of this Council in this respect. Simple in habits, unassuming and unostentatious in manners, Sir Manmohandas was one of those who endeared himself to those with whom he came in contact. He did not speak very often but whenever he did speak he spoke to the point and made a useful contribution to the debate in which he took part. I request you, Sir, to convey to the family of the deceased the condolences and sympathy of this Council.

CONGRATULATIONS TO THE HONOURABLE SIR ALAN PARSONS ON HIS APPOINTMENT TO THE INDIA COUNCIL.

THE HONOURABLE THE PRESIDENT: I wish also, before we proceed with today's business, to offer our congratulations to one of our Members, Sir Alan Parsons, on his elevation to the India Council. You have seen the official announcement this morning. Sir Alan Parsons joined the Council of State first in 1925 and he was taken away from us for about three or four years. Since 1932 he has been with us with the exception of a brief period when he was on leave. You all know his reputation as a financier and the work he did in this Council and the interesting budget debates in which he took prominent part. We all recognise his great ability and we are pleased to hear of his elevation to this important office. We shall be very sorry to miss him from this Council but what will be our loss will be the gain of the India Council. Sir Alan, I offer you the congratulations of this Council on your well-deserved elevation.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I am extremely grateful to you and the Council for your congratulations on my new appointment. I shall always remember and value them. And I should like particularly to thank you, Sir, for the undeservedly kind terms in which you have referred to my work out here.

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 Assam Criminal Law Amendment Act, 1934, which was passed by the Legislative Assembly at its meeting held on the 14th August, 1934.

RESULT OF THE ELECTION OF NINE MEMBERS TO SERVE ON THE COMMITTEE TO EXAMINE THE WORKING OF THE OTTAWA TRADE AGREEMENT.

THE HONOURABLE THE PRESIDENT: I have to inform the Council that as a result of the election held on the 13th August, 1934, the following Members have been elected to serve on the Committee to examine the working of the Ottawa Trade Agreement:

The Honourable Mr. T. A. Stewart.

The Honourable Mr. Hossain Imam.

The Honourable Sir Alan Parsons.

The Honourable Saiyid Raza Ali.

The Honourable Diwan Bahadur G. Narayanaswami Chetty.

The Honourable Mr. E. Miller.

The Honourable Mr. Vinayak Vithal Kalikar.

The Honourable Mr. Bijay Kumar Basu, and

The Honourable Mr. Mahmood Suhrawardy.

RESOLUTION *RE* INDIANS IN BURMA—*contd.*

THE HONOURABLE THE PRESIDENT The debate will now be resumed on the Honourable Mr. Chari's Resolution. The Honourable Member in charge has already replied and I would like to know, before I call upon the Honourable Mr. Chari, if any other Member desires to speak.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, I have much pleasure in supporting this Resolution. It is not at all a wise policy to antagonise provinces which are near one another. The Burmans, I think, are not very different from the Indians so far as race, religion, or even language is concerned. There are greater varieties of race and language and religion in India itself. For instance, Dravidians are differrent from the Punjabis and Pathans and so on. So then there is no reason why the Burmans should think that the Indians are likely to do any harm to them by being allowed to trade freely and to settle there. Apart from that, there is another aspect of the case that has to be considered. Ever since Burma became a part of British India, and even before that, Madras had trade relations with Burma and it may be within the knowledge of some of us that during the great famine of 1877 Burma rice was imported largely into the Madras Presidency and did good to the people. After 1884, the Madras Nattukottai Chetti merchants went to Burma and traded there. I was told on very good authority—on the authority of the Honourable Raja Sir Annamalai Chetti—that so many as Rs. 80 crores, mostly funds of the Madras people, have been invested in Burma. So Burma owes a good deal of its prosperity to the enterprise and financial assistance of the South Indian people. Sir, it is but natural that the Indians should be safeguarded against any discriminatory legislation that may be passed. Another aspect of the case also has to be considered. It is not

[Sir David Devadoss.]

at all a wise policy to allow one province to pass discriminatory legislation against another province. If this goes on, Sir, I fear that in course of time people may be not merely at variance, but may be at war, not in the sense of fighting with bayonets and bombs, but very serious economic war which would result not in the happiness of either, but in the destruction of both so far as economic welfare of the province is concerned. So it is but fair that the safeguards which are given to subjects of the United Kingdom should also be extended to Indians. Supposing this is not granted, the Indians take it into their heads to think that because Burmans are treating them very badly, they will retaliate. Burma owes its prosperity mainly to timber, oil and rice. Supposing Indians, though our Constitution may not allow us to pass discriminatory legislation against Burma, still if the people feel that the Burmans are treating them unfairly, all this trade will have to come to a stop. People might ask, "How is it possible"? It all depends upon the feeling of the people. You cannot force down the throats of the people things which they do not want and I do not think it would be either for the good of India or that of Burma that Burma should be given an option to pass discriminatory legislation against Indians.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I take this opportunity of thanking the Honourable the Leader of the House and the Government of India for the sympathy they have shown to Indians in Burma and for the assurance that our interests will always be their primary concern. I would also thank the Honourable Members of this House for the great interest they have taken and the support they have given to the safeguarding of the interests of Indians in Burma. I would only say one word with regard to the remarks that fell from the Honourable Saiyid Raza Ali. In Burma practically all the money-lenders are Indians. The Burman money-lenders are very few and practically negligible. They are only petty money-lenders, lending at usurious rates of interest, and they generally take trinkets or some of these small ornaments as pledges so that if the power is given to the Burma Legislature to restrict land alienation it will be in spirit a discriminatory legislation against Indians. Sir Samuel Hoare, with his characteristic frankness has stated in so many words that this power, if given to the Burma Legislature, would be a power to discriminate against Indians. It is not necessary for me to reply to any other remarks. I am anxious that this Resolution should go in time and I hope and trust that the Government of India will take necessary action as speedily as possible.

With these words, Sir, I commend this Resolution to your acceptance.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, with reference to the wish of the Honourable mover of the Resolution that this Resolution be voted upon, I shall just announce to the Council what the Government attitude is. In all these reforms resolutions, Government have adopted a definite policy, that is to say, the non-official section of the House is free to express such opinion as it likes on all reform proposals. Therefore, in conformity with that policy, official Members of the Council will not take part in the voting and the House is free to come to such conclusion as it likes on the Resolution itself.

THE HONOURABLE THE PRESIDENT: The Question is:

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government to secure to the Indians in Burma in the future constitution of Burma adequate safeguards on the lines recommended by Mr. Harper, the European representative, and the Indian delegates from Burma who sat with the Joint Select Committee and to secure to the Indians in Burma the rights of citizenship and the rights to carry on trade, profession or occupation on the same footing as are enjoyed by any other British subject."

The Motion was adopted.

RESOLUTION *RE* LEVY OF INCOME-TAX ON HOUSE PROPERTY.

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 that income-tax be levied in the case of house property on the actual income derived by the assessee and not on the annual letting value of the property, and that for this purpose the income-tax law may be suitably amended if necessary."

Sir, as Honourable Members must be aware, while in the case of other sources of income the income-tax is assessed on the actual income derived by the assessee, in the case of house property the tax is for some unknown reason payable under section 9 of the Income-tax Act not on the actual income but on the annual letting value of the property. The "annual value" is defined in the Act as the "sum for which the property might reasonably be expected to let from year to year". Now, income-tax as its name implies is a tax on income. The word "income" has not been specifically defined in the Income-tax Act, but the dictionary meaning of the word is: "the gain, profit or interest resulting from anything". This simple definition has, it appears, been adopted in section 3 of the Act, which is a charging section. The section runs as follows:

"Where any Act of the Indian Legislature enacts that income-tax shall be charged for any year at any rate or rates applicable to the total income of an assessee, tax at that rate or those rates shall be charged for that year in accordance with and subject to the provisions of this Act in respect of all income, profits and gains"—mark the words 'profits and gains'—"of the previous year of every individual, Hindu undivided family, company, firm and other association of individuals".

Now, under the heads, "business," "professional earnings" and "other sources," income-tax is, under sections 10, 11 and 12, respectively, payable by an assessee in respect of profits or gains of these different kinds of income, which fact is, if I may say so, in conformity with the meaning of the word "income". But in the case of house property, the mode of assessment prescribed is quite different.

The tax under the head "property" is, as set out in section 9, payable by an assessee in respect of "the *bona fide* annual value of the property" as I have mentioned above. That is to say, the assessment of the tax on income derived from property is made not on the profits or gains or the amount of rent actually received by the proprietor of the property but on an amount supposed to be receivable by him. This sum is, so to say, a hypothetical or imaginary amount for the calculation of which the assessing authority is vested with arbitrary powers. The owner of the house cannot easily fix

[Rai Bahadur Lala Jagdish Prasad.]

the annual value. He knows what he receives and must naturally think that the actual income of the year must be the annual value. In municipalities where house-tax is levied, the municipality fixes the annual value for the purposes of tax and that may be deemed to be the annual value for purposes of income-tax also. But where there is no such tax the owner has no guide except on the basis of actual rent. This rent may have varied during the year and in that case the rent for different periods of the year is different and the total rent for the year cannot be the annual value in the sense assigned to it by the Act as the sum for which the property might reasonably be let from year to year (not from month to month). He cannot also take the rent of any particular period as the basis. If he takes a lower rent as the basis the income-tax authorities may come down upon him, while if he takes a higher rent as the basis he becomes a loser. Then, Sir, in assessing the house income allowance is made for repairs, ground rent, etc., but no allowance is generally made for unrealised or unrealisable arrears of rent. This causes serious hardship as some portion of the rent is ordinarily found to be unrealizable. If the actual rent income is taken as the basis of assessment, the difficulty will disappear of itself.

Sir, I have seen the notification of the Government of India exempting the following classes of income from income-tax :

"Such part of the income in respect of which the said tax is payable under the head 'property' as is equal to the amount of rent payable for a year but not paid by a tenant of the assessee and so proved to be lost and irrecoverable ; where (*a*) the tenancy is *bona fide* ; (*b*) the defaulting tenant has vacated or steps have been taken to compel him to vacate the property ; (*c*) the defaulting tenant is not in occupation of any other property of the assessee ; (*d*) the assessee has taken all reasonable steps to institute legal proceedings for the recovery of the unpaid rent or satisfied the income-tax officer that legal proceedings would be useless ; and (*e*) the assessee has for the year for which the unpaid rent was due paid the income-tax in respect of the annual value of the property to which that rent relates. The income so exempted shall be excluded in computing the total income of the assessee ".

But this provision cannot afford the necessary relief. From the wording quoted it is apparent that this exemption can only be in the year in which the rent was in default, as arrears of rent cannot be included in the succeeding year's income. Now it will be difficult, nay impossible, to take all reasonable steps to institute legal proceedings for the recovery of unpaid rent in that year. Moreover, it seems hard that this exemption should be granted only when legal proceedings have been taken. Some tenant may go away without paying rent and his whereabouts may be unknown or he may not be in a position to pay the arrears, or it may not be worth while to take legal proceedings and incur further costs. No exemption will apparently be allowed in such cases. Then the question arises : what about the costs incurred in legal proceedings, if the cost could not be recovered from the defaulting tenant ? The proper and reasonable provision would be to take the total rent income of the previous year as annual value and the basis of assessment, as in the case of other sources of income. To me it appears anomalous, unreasonable, illogical and unjust that owners of house property should be assessed on the supposed annual value of the property as defined in the Act, while businessmen, traders and other professionals should be taxed on the

actual gains or profits derived by them. Now, Sir, a somewhat similar Resolution was moved in this House in 1929 by my Honourable colleague Rai Bahadur Lala Ram Saran Das. I say somewhat similar because in addition to the recommendation made in my Resolution that Resolution also recommended that in case the income derived from leased property was realised by recourse to law the actual legal expenses incurred should be allowed as an extra deduction when assessing the tax. So far as I could find from the report of the debate on that occasion, mainly two objections were urged by the Government against the system of assessment in respect of house property as recommended in the Resolution. Firstly, that the assumed annual value had to be adopted in cases where a proprietor occupied his own house or allowed it to be occupied by a relative or a friend rent-free, for, it was said, in such cases no rent passed and there was no figure of actual receipt to look to ; and secondly, that the test of actual rent could not be adopted in the cases of individuals who kept no accounts. And it was on these two grounds mainly that the Government tried at that time to justify the existing method of assessment in respect of house property. But as some assurance was given by the Government on that occasion with regard to the latter part of the Resolution the Resolution was on that assurance withdrawn. But, Sir, my Resolution today deals only with the method of assessment on house property which formed the subject of the first part of my Honourable friend's Resolution. Now let me examine briefly the two objections then urged by the Government in not accepting the first part of that Resolution, and let me try to meet them. If the proprietor of a house is himself occupying his house or has allowed it to be occupied by a relative or friend rent-free, I think it should be no business of the Income-tax Department to assess income-tax on that property because the property has actually yielded no income to the proprietor, in the same way as you will not assess for income-tax a merchant or trader, for example, on any assumed profit in excess of what he has actually received, even if, supposing for argument's sake, he has not charged the price of a thing from, say, a friend or has charged it at a concessional rate and has shown the consequential reduced profits in his accounts. But if the Government must continue to assess a proprietor's residential house also, howsoever unreasonable the proposition may be, then let them assess his residential house alone on an assumed annual value as heretofore. As regards the cases of individuals who keep no accounts, I submit that their cases also can continue to be treated on the same footing, because in cases in which no returns are filed or in which no satisfactory proof is forthcoming the Government cannot be considered unjustified if they assess the tax on an assumed income, and in fact the Income-tax Officer is already authorised by the Act in such cases to make an arbitrary assessment. But why such house property as is leased out on rent and in respect of which proper accounts are kept and filed by an assessee should be assessed on an assumed annual value and not on the actual amount of rent received passes my comprehension, for the case of such property ought in all fairness to stand on a different footing altogether from the other two cases. After all, Sir, the mode of assessment that I am advocating in my Resolution in respect of income derived from house property is no other than what exists in respect of other sources of income under the Income-tax Act. I am

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suggesting no new system of assessment. I only seek to abolish the existing invidious differentiation between the two methods of assessment, in one case on the basis of actual profits or gains and in the other case on the basis of an assumed annual value. I really fail to understand why one mode of assessment should be adopted in the case of income derived from house property and a totally different system should be followed in respect of other sources of income.

I hope, Sir, that the reasonableness of my proposition would commend itself to the House.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, as a matter of fact the imposition of income-tax and super-tax as provided for in the Income-tax Act of 1922 is proving a source of great trouble and discontent to all those concerned and I think that I will have the support of a good many Members of this Honourable House in saying that there is a general desire for some relaxation in the existing rates of these taxes as well as the mode and method of assessment on the part of the income-tax authorities. Indeed, it is a pity that not even the slightest reduction in the rates of these taxes has been considered worth allowance for, although a reasonable reduction in their rates is an urgent necessity of the moment. Besides this the income-tax authorities have their own way of making assessments which can rightly be called as highly excessive and without any justification. There is only one interpretation of the income-tax law and it is greatly to be regretted that the income-tax authorities always insist on their interpretation of it to be accepted as correct. In short the present system of assessing incomes is highly coercive and humiliating and there are many difficulties in the way of assessees to have their incomes properly estimated.

Such irregularities and unfair assessments on the part of the income-tax authorities, I believe, have induced my friend the Honourable Rai Bahadur Lala Jagdish Prasad to bring in his Resolution. I think he is quite justified in doing so and he is quite reasonable in his demand. It is absolutely in fair justice that the income-tax in case of house property should be levied on the actual income derived by the assessee and not on the annual letting value of the property. Although the allowance of vacancies is provided for in the Act, but the fixing of this sum is left at the discretion of the income-tax officer. It is just possible, rather it has always been the case that the estimate of the income-tax officer in regard to the amount of vacancies is not correct and accurate, with the result that the assessee has always been the loser. With a view to safeguard against this loss of the assessee the modification proposed by the Honourable Rai Bahadur Lala Jagdish Prasad is quite reasonable and urgently called for. I therefore heartily extend my support to his Resolution.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, I have very great pleasure in supporting the Resolution moved by my Honourable friend Rai Bahadur Lala Jagdish Prasad. I think it is a very reasonable and modest one and I hope the Government will see their way to accept the Resolution, so that next time when the

Income-tax Act is amended, this may be given effect to. So far as the letting value is concerned, it is a very difficult matter. It is fixed by the local authorities or municipal corporation. Even if a person builds a house for his own convenience, the letting value is fixed according to the judgment of the assessing officer of the corporation or municipality. Once in five years municipalities revise these assessments. These revisions take place when the owner is absent in some cases or even without his knowledge when he is present the tax is raised; and the result is he has to pay the higher tax because he is not able to appeal against the revision of assessment in time. I say in many cases the imposition is very wrong, because the letting value is arrived at according to the judgment of the assessing officer. So far as the tax is concerned, unfortunately house owners pay double tax. They pay two months' rent to the municipality or *panchayat* board in the rural area and they also pay income-tax on the letting value fixed by the corporation or the *panchayat*. I really do not know why when *pattadars* of lands are exempted from paying municipal tax, these house owners should be saddled with this additional burden. As a matter of fact in many places, like Madras, the rental value has gone down very considerably and the value of the property has diminished by about 50 or 60 per cent. That is the lot of the unfortunate house owners in cities in the presidencies. My friend's Resolution recommends that tax should be levied, not on the letting value, but on the actual rent. It is a very reasonable and a modest request. House owners pay heavy tax, both income-tax and municipal tax and they feel the pinch very much. I therefore request the Government to accept this Resolution.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I am in some difficulty in dealing with this Resolution—a difficulty which I think the Honourable mover also felt. The subject has been discussed threadbare and it is impossible to say anything fresh or new about it. As far as my knowledge goes, in the old Imperial Council when the Income-tax Bill of 1918 was under discussion the Honourable Mr. Chanda moved an amendment practically in the terms of my Honourable friend's Motion. That amendment was negatived. Later on, I think in 1921, there was a very strong All-India Committee on Income-tax before whom the question came, and they recommended no alteration in our present basis of assessment. Later again, my Honourable friend Rai Bahadur Lala Ram Saran Das moved a Resolution, part of which is incorporated in the Motion now before the House. That was withdrawn after assurances had been given to the Honourable Member not on the first part of the Resolution but on the second part. Equally in other countries there have been similar discussions. A Royal Commission on Income-tax, about 15 years ago, I think it was, in England, before whom this particular question came, turned down the suggestion that the tax should be assessed on the annual rental and not on the assessed annual value of the property, on various grounds, one of which, I admit, was merely that the cost of administration would be much greater. All those discussions having taken place, I find it very difficult to put forward any fresh arguments for what is our present law, the law which Government think should still remain.

I will deal with one point first. Quite obviously, if income-tax is assessed on the actual income from and not on the annual letting value of the property,

[Sir Alan Parsons.]

the door is opened to evasion. I need not go into the various methods by which evasion would be possible; I think if I were a property owner I could devise at least half a dozen. That is a very strong reason against an alteration, because if dishonest taxpayers do not pay their tax, honest taxpayers have to pay more. But I do not want to put my objection wholly or even mainly on that ground. I should prefer to put it on broader grounds. First, my Honourable friend's proposal quite clearly could not be of universal application. In the towns it is true most house property is let. In the country the reverse is true and most house property is occupied by the owner. We should have to retain the present criterion at least for property occupied by owners or given rent-free to their friends, unless we were to adopt the very revolutionary proposal of my Honourable friend that house property, when occupied by the owner or given rent-free to anybody, should be altogether free of income-tax. That, I think, is a proposal which is unlikely to find much support in this House. I will put it in this way. Supposing I were fortunate enough to have Rs. 20,000 to invest and was occupying at the time a house for which I was paying a rent of Rs. 100 a month. By buying that house for Rs. 20,000 I should be able to escape the income-tax which otherwise I should have to bear if I invested my money in Government securities, or the shares of any company. Why should we differentiate between one form of investment and all other forms of investment? Now, if I am right in thinking that the House is hardly likely to support that very pleasant and at the same time revolutionary proposal (pleasant from the point of view of the house-owner) we shall have to have the existing criterion for all property occupied by its owner or given out by him to friends or others on concessionary terms; and that would apply to the majority of houses which are not in the large towns. Now, in the large towns as a general rule there is municipal taxation and all house property is taxed municipally on the annual letting value, which is in fact the basis we adopt in the Income-tax Act. So that is a very simple method and I think generally a very fair method. At any rate it is hardly likely to be more to Government's advantage than to that of the taxpayer on the whole, for it is just as likely that houses in towns will be let at a higher value than their assessed annual value, as that they will be let at a lower value. If it is accepted that in municipalities where in a large proportion of cases there is a house tax based on annual value, that is a fair basis for the assessment of the income-tax, then I would submit that that is a very much more satisfactory basis for the great majority of the payers of income-tax, than one based on the actual rent recovered. Because the actual rent recovered can only be ascertained by a detailed examination of accounts, and a great many of these house-owners do not keep detailed accounts of the in comings and out-goings of their house property and would far rather be assessed on the municipal figure of annual value. That, of course, does bring in the argument which I mentioned was put forward by the Royal Commission in England. They thought that there would be a considerable increase in the cost of collection, which would of course fall on the taxpayers as a whole if assessments were based on the actual rent paid and not on the annual value. I do not want to lay too much stress on that argument though of course it would also be more expensive here. I only wish to mention it. I entirely realise that if we considered that it would be fairer as a whole to the taxpayer to adopt the actual rental instead of the annual value as a basis for assessment, the fact that it would mean a certain amount of additional cost in administration should not be given any particular weight. But I am convinced myself that forthe great majority of honest assessees the annual value is almost always the fairest and least harassing method of assessment.

Now, for what I do think is the real grievance behind my Honourable friend's Motion. I am prepared to admit that occasional hardship may occur. That is where an owner has let his house but he does not for some reason or other succeed in recovering the rent. My predecessor gave an assurance on that point to the Honourable Rai Bahadur Lala Ram Saran Das when this Motion was last discussed in this Council and we attempted to fulfil that assurance by the issue of a notification making it clear that in certain conditions where rent had not been recovered no attempt to assess on the assumed rent would be made. Those conditions, I may say, were absolutely necessary or most of them were absolutely necessary to prevent wholesale evasion. Quite recently, however, the Central Board of Revenue found that the notification did not actually carry out our full intention and we therefore as recently as the 4th of August last issued the revised notification which the Honourable Member mentioned. He, I think, was inclined to think that even that notification does not give relief where it should be given, and he instanced the example of a defaulting tenant whom the house owner was unable to find. What would happen in that case, he asked? If my Honourable friend will refer to the notification, he will see that the words—

"or satisfies the Income-tax Officer that legal proceedings would be useless"

will cover such a case. I do not know if my Honourable friend accepts that as getting over this particular difficulty. He also mentioned some point with regard to the non-recovery of rents in the actual year of assesssment; but I am afraid I could not follow that point very clearly. But on both these points I am perfectly prepared to have the position examined by the Central Board of Revenue and if there are still, as there may be, flaws in our notification, I will make it my business to see that they are amended. We do not want, where there is no income, to attempt to assess an unfortunate house owner to income-tax on income which he does not obtain.

That is all, Sir, I think I have to say on this Motion. It is really because I am convinced myself that for the great body of the assessees our present system is the fairest, and that it is convenient both to them and the Income-tax Department that I fear I cannot accept this Resolution.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, I must confess that after hearing both the mover and the Government Member, I cannot yet make up my mind whether to support the Resolution or to oppose it. I hope, however, the mover, when he replies, will make the points clear to which I shall refer. This will enable Members like myself to make up our minds either to oppose or favour the Resolution. From the remarks he made it might appear that perhaps the Income-tax Act which ought to be worked uniformly all over the country is not so worked; that is to say, that it is worked differently in towns from the manner in which it is worked in the country. The Honourable mover suggests that income-tax should be levied on the actual income derived by the assessee and not on the

[Sir Phiroze Sethna.]

actual letting value of his property. I do not know much in regard to the smaller towns or rural districts, but in large towns, as the Honourable Sir Alan Parsons observed, the letting value of a house is determined by the municipality. If a house owner objects, he has a right of appeal. Therefore, we may assume that in most cases the letting value arrived at is a fair value. Supposing the letting value of a house is Rs. 100 a month and again I say my experience is limited to towns, the income-tax authorities would levy tax on an income of Rs. 1,200 per annum. But in large towns, supposing that property has not been let for the whole year, or has been let only for, say, half a year, then income-tax authorities would allow a refund for the rent that was not realised. I gather from the remarks of the mover that perhaps that is not the case in the mofussil and that whether a place is let or not, it is charged with income-tax on the full amount. If that be so, I certainly agree with him that this is positively unfair and it is on that point that I would like him to enlighten us.

But, Sir, the mover proceeded further and said, if an owner chooses to give his house rent-free to his friend or relation, Government should not levy income-tax on that. I certainly cannot agree to such a proposal. The Honourable Sir Alan Parsons has rightly pointed out that the same gentleman may invest in Government paper or in shares and will have to pay income-tax on the income which he derives from those investments. If he chooses to invest in property and does not want to charge rent to his friends or relations, that is his lookout. If you carry the analogy further, then in towns you will say that if an owner occupies his own house, why should he be charged income-tax which he is charged, and very rightly.

These are the points upon which I do hope the Honourable mover will throw light to enable us to know what course to adopt.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution which has been so ably moved by my Honourable friend Rai Bahadur Lala Jagdish Prasad. Sir, I had the privilege of moving a similar Resolution in March, 1929, and in reply, the Honourable Mr. Burdon gave me an assurance that Government would move in the matter and see how far my Resolution was justified and would act accordingly. A notification was issued which did not meet the subject-matter of my Resolution fully. Now, recently, the Government have improved upon that notification and have issued a new notification in which the exemption is granted if legal proceedings have failed to recover the rent or in case the house owner satisfies the income-tax officer that legal proceedings would be useless. Sir, times have changed since 1929. Owing to the economic depression things have taken a different turn. Property cannot be easily let nowadays. I know from my own personal experience that a number of my own houses remain vacant although their condition for habitation is excellent. In case we take the annual letting value of the house, as my Honourable friend Sir Alan Parsons has said, in a number of cities in the Punjab, there is no house tax and so there is no proper record of the basis on which the letting value may be ascertained. Take the case of a hill station

like Simla. I can give a number of instances of good houses which have been let at a very low rental at the fag end of the season. Even now, houses whose letting value was Rs. 2,000 have been let for the rest of the season for Rs. 500. I want the Government to be just and fair. The definition of income is what comes in, and not what is supposed to come. Therefore, I want bare justice from the Government and I do not want them to assess people on the supposed rental value. As regards satisfying the income-tax officer, that depends upon the nature of the officer. Certain officers accept the assurances, others do not and I do not blame them for not accepting because there is no documentary proof which the house proprietor has to furnish. I will give you an instance. A theatre is occupied by a theatrical company. That company also hired another house in which they store their scenery and stores. Unfortunately that second house caught fire and all their sceneries and properties were destroyed and the company was stranded ; they could not stage any shows and the result was that they could not pay any rent. Seeing their condition one naturally lets them off because there was no chance of recovering the rent by going to a court of law. The case was reported to the income-tax officer and he said, " That is not enough ; legal proceedings are required ". Well, Sir, if legal proceedings had been filed one would only have added to his losses. I want that in such cases, if the income-tax officer or the Government insist on legal proceedings being taken and those proceedings fail, the court costs ought to be allowed in the assessment.

12 NOON.

THE HONOURABLE SIR ALAN PARSONS : May I ask the Honourable Member when this case occurred ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I do not remember the exact date but it occurred about 10 years ago.

THE HONOURABLE SIR ALAN PARSONS : That, Sir, was long before the two notifications issued particularly on the Honourable Member's representation.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : That notification and the subsequent notification which has now issued do not cover such cases, because the income-tax officers—I do not say all, but some of them—are not satisfied. There was another case in which a British military officer occupied one of my bungalows and he did not pay the rent for a year, notwithstanding reminders and personal requests. Later on legal proceedings were taken. As is well known, legal proceedings take very long, and I have always been urging that justice delayed is justice denied. By the time the court came to a conclusion that officer was transferred to Cairo, and of course the court said that now as the officer is not under the jurisdiction of the court the court cannot do anything andexecute the decree. So I lost the rent as well as the costs in the court. Then I made a representation to His Excellency the Commander-in-Chief praying that a certain colonel had not paid his rent for more than one year of my bungalow and I asked that action might be taken against him, but I got a similar reply, that the officer concerned was not under his jurisdiction. In spite of all that no rebate in income-tax was allowed.

THE HONOURABLE SIR ALAN PARSONS : Can you let us know roughly the date of that particular case ?

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): The moral is, invest in Government paper, not in house property!

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: May I ask the Honourable Mr. Basu whether Government paper gives the same return? What rate of interest does Government paper bring in?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: My Honourable friend Mr. Basu says that Government paper is the best investment. Some time back that was the fact and Government securities were termed "gilt-edged." But I know from my own personal experience that those who invested in Government securities during the last few years lost as much as 40 per cent.

THE HONOURABLE SIR ALAN PARSONS: Will the Honourable Member give a reply to my question?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I have not got the details with me. It was about five or six years back. But I say that the previous and the present notifications have not much practical effect upon the assessment. If that had been so, Government would not have felt the necessity of issuing a second notification, which shows that the first notification issued as a result of my Resolution of 1929 was not sufficient and fair. I have also said that notwithstanding all my efforts I could not satisfy the income-tax officer. Sir Alan Parsons quotes the case of England and the practice there. But England cannot be compared to India, because there, I understand, the rents are fixed on a weekly basis—I speak subject to corrrection. That is my impression, but it does not matter whether such is the case. But my main point is that in England people can afford to lose in this respect as they have so many other concessions. Exemption and remission are allowed for the education and maintenance of children, for each child and wife and other dependent relations which in India are not allowed. Then my Honourable friend Sir Phiroze Sethna observed that it is improper to ask the Government to give a remission when the property is left free to friends or relations. Sir, in the present times, as I have said, house property cannot be easily let, and when one finds that there is no demand for a certain house or shop and one obliges a friend or relation and allows him to live there free for a month or two, it is not just and proper that the Government should assess for the annual letting value of that house. I am sure the Honourable Finance Secretary will not deny that conditions are, as I have stated, and there is no justification for assessing that property which has not been let and which cannot be let to those who pay rents. Then, Sir, he said evasion is a curse. Well, there are black sheep every where in all countries and all societies; there are people who will not pay rent and taxes. But, Sir, honest people should not be penalised for the actions of the dishonest, and I do not think the Government has any justification for thus penalising honest people. I do not want to dwell long on the subject and I will say that from the practical experience which I, and other friends of mine in this line have, this Resolution ought to receive the acceptance and favourable consideration of the Government.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I do not want to give a silent vote. I have moved several Resolutions in the last

Council of State to improve the Income-tax Department and to soften the rigour of the Act, but I have been uniformly unsuccessful, but in the matter of this Resolution, I am opposed to the principle underlying it. In the matter of assessment our incomes are taxed without making any deduction for personal expenses. Here if a man builds a house for himself he can invest a large amount on building property. If he chooses to occupy a very costly house, that is a matter of expense which he chooses to incur for himself. Why should he be placed in a better position than he would be if he had invested the spare money in other investments like Government paper? There is no justice or equity underlying this Resolution which claims a sort of exemption in the case of houses occupied by the owner himself. There may be occasions when the house could not be let to other people, but under those circumstances the letting value will be reduced owing to a large number of houses being available for letting.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: How?

THE HONOURABLE MR. P. C. D. CHARI: If there are a large number of houses available for letting, the letting value will be reduced. It will work itself out by the operation of demand and supply; if houses could not be let, if there is not much demand for houses, then in that case the letting value would automatically go down and the owner of the house will have the advantage of having the letting value reduced. There is no need for a special rule as the one recommended by this Resolution. I therefore oppose this Resolution.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I hope the Government might have seen from the course of the debate on this Resolution that my Resolution has found warm support in this House. Only the Honourable Mr. Chari and the Government have thought it fit to oppose it. In fact I have received support from quarters from which I seldom expect any support. This shows the strength of feeling on this subject and the justice and reasonableness of the proposition that I have recommended. Sir, I thought that in my first speech I had met the two objections which the Government had put forward on the previous occasion when my Honourable friend Rai Bahadur Lala Ram Saran Das moved a similar Resolution in 1929. But I find that mainly those two very objections have been put forward by my Honourable friend the Finance Secretary in opposing my Resolution today. The first objection that has been put forward is that in cases in which the owners occupy their own houses the existing criterion would have to be adapted, as also in cases in which the owners have let their houses to their friends or relations. I have already pointed out, Sir, that to me it seems quite reasonable that such houses as yield no income should be exempt from income-tax; but in case this point of view does not meet with Government's approval, I have suggested the other alternative, namely, that such houses can continue to be assessed on the annual letting value, as is the case now. But I have made it quite clear that there is no justification for continuing this system of assessment in respect of that property which is leased out by the proprietor on rent and in respect of which accounts are kept by the owner and are filed with the income-tax officer. In such cases, Sir, I think it is only reasonable that the income-tax should be assessed on the actual income derived by the assessee and not on the assumed annual letting value. My Honourable friend

[Rai Bahadur Lala Jagdish Prasad.]

the Finance Secretary has also urged that if the system recommended by me is followed, the cost of administration would be greater. But, Sir, he has not explained to the House how the cost of administration would increase if my proposition is adopted. The income-tax officer even now assesses income-tax in the case of those houses which are in the occupation of the owners themselves at an assumed annual value. He can continue to do the same in the case of such houses. But in the case of those houses which are actually leased out on rent, I see no difficulty in assessments being made in accordance with the accounts of rent income filed by the assessee. Surely, if the assessee convinces the income-tax officer that the accounts filed by him are genuine, there is no reason why income-tax should not be assessed accordingly ; and I cannot understand how the cost of administration would increase in adopting this system. In fact, I fail to see how the Honourable Sir Alan Parsons has said that the system recommended by me would increase the cost of administration. Sir Alan Parsons also thinks that if actual income is taken as the basis of assessment the door would be opened for evasion. I fail to understand, Sir, why it should be so in the case of income from house property alone and not in the case of other sources of income.

Now, Sir, my Honourable friend Sir Phiroze Sethna has stated that in big towns like Bombay, from where my Honourable friend comes, a refund is allowed on income-tax if it is shown to the income-tax officer that the actual rent received by the assessee was less than the annual value on which the tax has been assessed. I may inform my Honourable friend that this may be the case in big towns, but it is not the case in other places. In other places where there is a house-tax levied, the annual letting value is the amount fixed by the municipalities, whereas in places where there is no house tax or where there are no municipalities this annual letting value is fixed by the income-tax officer arbitrarily.

Now, Sir, my Honourable friend Lala Ram Saran Das has mentioned the case of houses which remain vacant. My Honourable friend the Finance Secretary has not stated whether income-tax should be assessed on such houses as remain vacant. It is at present assessed on such houses also.

Then, Sir, the Honourable Sir Alan Parsons stated that the Royal Commission on Income-tax in England had recommended the present system. But, Sir, as my Honourable friend Lala Ram Saran Das pointed out, the system of assessment of income-tax is quite different in England from what obtains in India. In England the losses in income are carried forward up to three years in making assessment of income-tax. Here they are not so carried forward. Then in England at the time of assessing income-tax a rebate is allowed in the case of married people for each child. That is not the case here. So that conditions differ in the two countries and we cannot adduce the analogy of England to support every case in India. I think, Sir, that I have been able to convince the House that my Resolution is quite just and fair. But if I do not propose to press it to vote, it is for two reasons. In the first place, Sir, I think that it is no use pressing a Reso ution to vote in a House in which the Government enjoys, so to speak, a statutory majority. In the second place, I consider that the Government yields to a point when it is pressed

from time to time. It is my experience that the Government concede a point demanded by non-official public opinion only when the force of public opinion becomes irresistible. And they take time to act in conformity with public opinion. A similar Resolution was moved in this House five years ago, I have brought forward this Resolution today, I hope this point will be pursued further in the Central Legislature from time to time hereafter, and I am sure that a day will come when the Government will realise the strength of public opinion on this point. Sir, I believe in the dictum : "Knock, knock and you will open". I am sure if this point is pressed on the attention of Government from time to time a day will come when the Government will concede this reasonable proposition. For the present, Sir, I content myself with having placed the case before the Government, and I do not want further to embarrass Sir Alan Parsons on this occasion when we have just congratulated him on his elevation to the India Council.

With these words, Sir, I beg leave of the House to withdraw my Resolution.

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

RESOLUTION *RE*. CONSTRUCTION OF A NEW COUNCIL OF STATE CHAMBER AT SIMLA.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I beg to move :

"That this Council recommends to the Governor General in Council to build in Simla a Council Chamber for the Council of State near the Assembly Chamber."

Sir, I want at the very outset to explain the position that I am going to adopt under this Resolution. I do not want, rather I should be the last man to embarrass the Government at such a stage for any financial commitments because I know that taxes are being increased every day to balance the budget. But, Sir, if I do that, I would be justified because I find that Government is spending money where they want without the consideration which I happen to have for the finances of the Government. It was only the other day that Government pressed for the transfer of the Pusa Institute to Delhi. In that instance, Sir, the Government were prepared to spend about Rs. 30 lakhs and had no consideration for the financial stringency. I also find from the papers, Sir, that a programme for the capital expenditure of about Rs. 2 crores has been drawn up by the Government because they find that interest is low at present. Sir, interest may be low but after all the Government shall have to pay it and if there is financial stringency, the amount ought not to be spent. However, Sir, there it is. And now the Honourable Member will put a very pertinent question, as to what is then the reason why I am moving this Resolution? Sir, my object is to bring the step-motherly treatment that is being meted out to this Chamber to the notice of the Government. We all know what conveniences have been provided for the other House and what discomforts we who meet here in Viceregal Lodge under the protection of His Excellency the Viceroy have to put up with. We are very proud to meet here under this nice roof and some of us also are very proud when the guard salute us. But sometimes we find, Sir, that salutes are being made to Europeans and not to Indians——

THE HONOURABLE THE PRESIDENT: Never mind the salutes.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Very well, Sir, I do not wish to enlarge on the differentiation that is sometimes made.

Sir, the main reason that I have for bringing this Resolution before this House is that we are put to unnecessary inconveniences—I will just draw the attention of the Honourable Members of this House to the notification in the circular letter No. XX from the Secretary of the Council of State, which says that a notice office for the Council of State has temporarily been opened in Room No. 11 on the ground floor of Gorton Castle, Simla. So, Sir, if we want to give notices of resolutions or questions or anything else, we have to go to Gorton Castle. Why has the notice office not been opened where the Council Chamber is located? Why has this differentiation been made in the case of the Assembly?

I will refer to another circular letter from the Secretary of the Legislative Assembly Department. This is Circular letter No. XXXIV, dated the 11th July. It says:

"The undersigned is directed to forward for the information of Members of the Council of State and of the Legislative Assembly a statement showing the prices at which embossed and printed stationery and certain publications may be obtained from this Department. They will be sold on cash payment only at the Notice Office in the Assembly Chamber by an Assistant of this Department between the hours of 10 and 11" and so on.

If the Members of the Council of State want to purchase the embossed stationery, they will have to go to the Assembly. They cannot get it here. Why is this convenience given to the Members of the other House and not to the Members of this House?

Then, Sir, one of the greatest inconveniences felt by us is that the Library is located there. There is no Library here. What is a reading room for without many papers? I may submit that we have only got one or two papers and a few almirahs filled with Law Journal Reports and Council Proceedings. It was only the other day that my Honourable friend the Leader of the House, standing in the same room, put me the question whether I had read all the books. I in turn asked, "Are they worth reading?" It contains only Law Reports and Council Proceedings. If during the course of a debate one wants to refer to certain books, he will have to go to the Assembly, so far off, to bring those books. That shows that we will have to contend without making any reference to books, or that during our leisure period we can go to the Assembly and consult them in the Library.

Further, I want to bring to the notice of the Government that no room has been supplied to the Opposition Party here to hold their consultations in privacy. In all the Legislatures, whether local or imperial, the practice is that as far as possible all parties are supplied with separate rooms. If not all, the Party in Opposition at least must have a separate room for their private consultation. We have not been supplied with any such rooms here. Then, Sir, one most important complaint is that we have no tiffin rooms here, and Members, when they enter the Council Chamber have, at the back of their minds, always to hurry up the proceedings and finish before lunch time because

they will have to go far away for their lunch. In the Assembly Chamber tiffin rooms are provided and Members can have lunch, tea, or anything else they like. They are quite at ease and ready to discuss the proceedings till five or six o'clock. Here, if the proceedings continue after lunch, either the Members have to run to a far-off place, and spend an hour in going and coming back in a rickshaw, or they have to go without lunch and tea. This is another drawback on account of which the Members are not at ease to discuss the proceedings. I therefore do not think that it is proper to have the Council of State Chamber here. I do not know but I understand that in the old day Councils Members used to be provided on such occasions with lunch and tea on behalf of Government from the sumptuary allowances. I would not be so bold as to make any request of that kind. We are paid daily allowances and we are willing to pay out of it with the greatest pleasure. Only we want that arrangements should be made for us. That is all that we want. This is one of the greatest discomforts we suffer because of the Council Chamber being located in Viceregal Lodge.

As I am dealing with the step-motherly treatment that is being shown to this House, if you will permit me, I will say a word about the allotment of quarters, the differentiation made between this Chamber and the other Chamber

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THE HONOURABLE THE PRESIDENT: What has that got to do with this Resolution? That has nothing to do with this Resolution and I will not allow that matter to be discussed.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I will leave it, Sir, with the remark only that there is differentiation in this matter also between the two Chambers. I have mostly confined myself, on this Resolution, to describing the discomforts which we feel by having a Chamber for the Council of State in Viceregal Lodge. I shall be prepared to withdraw this Resolution if the Government are willing to meet most of the discomforts which I have placed before them, or if the Government are willing to undertake that they will hold the Council sessions at Delhi and not at Simla. We want the Council session with all the comforts that are given to the other House. If no such comforts and conveniences are given, then it is better not to have the Council of State meetings in Simla. I am one of those, Sir, who believe that the time has come when even the whole Government should not migrate to Simla but should remain in Delhi and save expense.

THE HONOURABLE THE PRESIDENT: You must leave that question alone.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have explained my position and I hope all the Honourable Members of the House will agree with what I have said on this Resolution.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, when I first read this Resolution, my feelings towards the Honourable Member were those of gratitude. I know the environments of the Assembly building and I realised that the most likely site for a new Council House was the site now occupied by Kennedy House, a ramshackle improvisation in which I and 150 other unfortunates are doomed to spend our working hours. I would watch the demolition of Kennedy House with great satisfaction. I mention this personal matter for the information of the Honourable

[Mr. D. G. Mitchell.]

Member to let him see that he is not the only frequenter of Simla who has a grievance. I have taken note of the various points of which the Honourable Member complains. He complains that there is no notice room attached to this Council House, but I understand that the Secretary of the Council is only too willing to accept a notice here at any time any Honourable Member should give it to him. Apart from that, the Members have been given the additional convenience of being able to send notices in to Gorton Castle, which is nearer the residences of most Members. The Honourable Member also complains of the lack of a library. I am sure that he himself has found very little need for a reference library, and that he is able to draw on the resources of his own well-stocked mind without being appreciably inconvenienced. He also complains that he requires a Party room. There are no Party rooms in the Assembly building——

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have seen the Party room for the members of the Nationalist Party and the other Party that is in opposition. I have myself seen the rooms.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I am afraid I am not aware of the fact. I myself remember no Party rooms set aside in the Assembly building. I think however that there is sufficient accommodation in the Council House now, even for the Honourable Member's Party, to find a small corner in which to conduct their deliberations.

As regards tiffin, Sir, I fully sympathise with the Honourable Member's feelings and I notice his haggard and emaciated appearance, but I would point out to him that we do not meet very frequently after tiffin, and when we do you, Sir, give us a very liberal allowance of time. Then the Honourable Member referred to his own desire that meetings should only be held in Delhi. That of course is a very conclusive argument against building another Council House. And that brings me to the main Government position, Sir, which is that the constitutional position is much too uncertain for us to launch out on any big building scheme. A house designed on the ample lines suggested by the Honourable Member would cost many lakhs, and until we know exactly the nature of the house which will be required and when it will be required, it would be very bad finance indeed for us to launch out on a large expenditure, whether from capital or from revenue. Lastly, Sir, I appeal to the Honourable Members present that we have no real grievance in meeting in this very fine room. If we look at all the four rooms occupied by the two Chambers of the Legislature, I think we will all admit that in many ways this is the best. It has the best ventilation; it has the best lighting; we are not subjected to the intolerable glare from which the Members of the other House suffer; it is admirably proportioned; its acoustic properties, though not quite ideal, are much better than those of the other House; and if outside we should be subjected to any slight inconvenience I think we would be very foolish indeed if we insisted upon being moved from this building to some improvisation on the lines of Kennedy House. (Applause.)

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I am sorry that in reply the Government had not thought it

fit to promise to remove the grievances for which I brought this Resolution forward. I made my position very clear at the outset that I did not want to embarrass the Government financially. I shall be satisfied if the grievances are removed. I never mentioned a word of bad ventilation in my speech. This is a very nice room and there is no complaint so far as the room itself is concerned; but there are so many accompanying discomforts which I have mentioned in detail. I quite admit and we are very thankful to you, Sir, that a liberal time allowance is given us for lunch, more than in Delhi——

THE HONOURABLE THE PRESIDENT: Because in Delhi there is a restaurant upstairs.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I said we are very thankful, but it is so very inconvenient to spend an hour in going and coming for lunch or tea. Many Members would prefer to go without lunch than travel to such distances as they have to. I think it is very easy for the Government to make arrangements for the Members to get their lunch in one of the rooms here by paying for it, and if they could remain comfortably here for the lunch interval they would be quite prepared to carry on after lunch and would not want to hurry the proceedings in the forenoon. Even that request of mine has not been accepted by Government.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): A little running will do some of us very much good!

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, but I am afraid my friend never runs; he always comes in a rickshaw. It is very good to preach, but it is a different thing to practise what you preach, and he asks us to do what he himself does not do. Then, Sir, the weather of Simla is so very bad. One does not know when it will rain and it is very inconvenient to go out in the rain to such long distances. Therefore if the Government gives an assurance on one or two important points like these, for instance, supplying a room for the Opposition Party and the refreshment room, I will certainly withdraw the Resolution.

THE HONOURABLE MR. D. G. MITCHELL: May I suggest that the Honourable Member puts these points before the House Committee, so that they may be discussed and put up in a regular manner?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I hope these proceedings will be sent to the House Committee and I withdraw the Resolution on that condition.

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

PARSI MARRIAGE AND DIVORCE BILL.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I move:

"For leave to introduce a Bill to amend the law relating to marriage and divorce among Parsis."

At this stage it is not necessary for me as mover to address the House at any length. I may state in brief that this Bill refers to two very important social institutions of the Parsis, *viz.*, marriage and divorce. The existing Parsi Marriage

[Sir Phiroze Sethna.]

and Divorce Act was enacted in 1865. Nearly seventy years have elapsed since then and conditions have so greatly altered and such changes have been brought about in the views, sentiments, and social life of the community that it has been felt for years that the existing law needs to be amended. The present Bill is expected to serve that purpose. It is prepared after considerable discussion and deliberation and represents the views of by far the larger majority of the community. The Bill has been finally settled and sponsored by the Trustees of the Parsi *Panchayat* of Bombay which is the leading socio-religious institution of the Parsis and commands great respect of the community in general.

The objects and reasons of the Bill has been explained in the statement appended to the Bill, and I need only point out that the Bill attempts to remedy certain defects in the existing Act as have come to light from time to time, both through practical experience and the findings of law courts. Some sections in the existing Act are proposed to be altered or amended and some new sections added. There are a few apparent defects in the existing Act which require to be remedied. For example, under present section 27, if a marriage is declared null and void by reason of insanity at time of marriage and if there are children born of such marriage whether they are to be treated as legitimate or illegitimate is a point which the amended Bill will solve by making the ground for the declaration of nullity a ground for divorce. In the sections relating to grounds of divorce or judicial separation alterations have been made to conform to the present day views and sentiments of the community. The sexes have been put on an equality as respects adultery, and some new grounds of divorce have been added.

Sir, I move.

THE HONOURABLE THE PRESIDENT: The Question is:

"That leave be given to introduce a Bill to amend the law relating to marriage and divorce among Parsis."

The Motion was adopted.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, I introduce the Bill.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, a new Bill to supplement the Assam Criminal Law Amendment Act, 1934, has been laid on the table this morning. I think it would be best if we meet next Saturday to deal with it, and it has been suggested, Sir, that in case we meet at 10-30 A.M. instead of 11 A.M., next Saturday, it may not be necessary to meet in the afternoon that day, thus we may be removing one of the grievances of the Honourable Member.

The Council then adjourned till Eleven of the Clock on Thursday, the 16th August, 1934.

COUNCIL OF STATE.

Thursday, 16th August, 1934.

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

BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I move:

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, as passed by the Legislative Assembly, be taken into consideration."

Sir, at the very outset I must convey to the House the apologies and regrets of the Honourable Sir Henry Craik, the Home Member, that he is unable to be present here today. He was very anxious to return to this Council of which he was for a considerable time a Member and he trusts that he will have some further opportunity of addressing this House. Unfortunately, the Home Member, as long as the Assembly is in session, is not entirely his own master and it is necessary for him to be present there today to deal with two very important measures which are under consideration there. It thus falls to my lot once again to ask this House to accept this Bill—a very short Bill as it stands but a Bill which is stigmatised in certain quarters as a piece of repressive legislation. I rather object to that word "repressive" as it conveys the impression that we are repressing something which is good. On the contrary, we are taking steps by this Bill and by the other Acts which are on the Statute-book to prevent something which is entirely bad, which is entirely evil—the terrorist movement in Bengal.

It is necessary for me today to explain, I trust not at very great length, the purport and object of this Bill. Many Members of this Council were present two and a half years ago when the original Bill which we are now asking you to extend was discussed. Members of this Council will remember the discussions that then took place, they will remember the speech that was made by my predecessor, Sir Herbert Emerson. If I repeat the arguments which he then put forward, I trust they will excuse me but it is necessary to explain briefly but still clearly what exactly is the effect of the Bill which I am asking them to take into consideration.

The Bill before us is a supplementary Bill. It supplements the legislation which had recently been passed by Bengal and I feel certain that this House will finish the work that was begun by Bengal in February and March last and will put the finishing touch to the legislation which was at that time passed by the Bengal Council by a very large majority. On the final reading, I think the voting was 61 votes to 15. That shows that the Bengal

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Legislative Council were determined to give Government the powers which they considered necessary to deal with the evil of terrorism.

Under the Bengal Bill the power is given to the Local Government to order the detention in jail or in a detention camp of persons who are connected with and taking part in the terrorist movement. No doubt it is a matter of repugnance to many people that we should have to have these powers, that we should not deal with these people openly in the courts, but experience has shown that it is quite inevitable for Government to have these powers. That was explained fully by my predecessor when he addressed the House in April, 1932. He explained how we had to rely on the evidence of informers and that if their names are made public those informers are put in grave risk of their lives. We have also had experience of many cases in which witnesses who have given evidence against the terrorists have themselves suffered at the hands of terrorists shortly after. It is really for these reasons that we have to adopt this admirable method.

The idea is I am afraid prevalent in some quarters—I do not think for a moment that it is shared by the Members of this Council—that these terrorist offenders are put away in jails and detention camps without adequate reasons. That is a criticism I have seen made in certain quarters in the press. It is suggested, that merely on the statement of some police officer Government step in, accept his statement without any very careful examination and on that put a man away for an indefinite period in a detention camp in Bengal or in a detention camp at Deoli. That is not in the least true and in support of my statement I will cite a fact which may possibly be known to some of you but which happened some time ago and therefore I would like to recall it to people's memory. During the terrorist movement in 1915-17, it became necessary to take action similar to that which we are taking today, that is to say, to send people under the Defence of India Act of that time to detention in camps or in jail. The Government of Bengal appointed two High Court Judges, Mr. Justice Beachcroft and Mr. Justice Chandravarkar, to examine all the cases in which orders of detention had been passed by them. They made a very careful examination of these cases and it is very significant that out of 806 cases that were examined by them there were only six in which they thought that there were not sufficient grounds for assuming that the persons concerned had been acting in a manner prejudicial to the public safety or to the defence of India. That is a very striking testimony to the care which the police took in putting up these cases before the Local Government. I may also mention that at that time there was not the same safeguard as there is in the Bengal Act now, by which all cases are examined by two judges. The police marshal their evidence before these judges and the judges consider it with as much care as they consider all cases tried in open court. After that the case comes for a third examination by the Governor in Council in Bengal and it is as the result of that examination that the final orders are passed. I think, therefore, that if once again we have these records examined by High Court Judges we shall find the same result that in less than one per cent. of the cases there is reason to hold that the order was not justified.

These judges also recognised fully the inevitability of these secret proceedings. What they said, in a lengthy report which was published at the time and which I can show to anybody who would care to see it:

> "Under these circumstances it is impossible to secure a fair trial by the procedure of the Evidence Act and the Criminal Procedure Code which would be appropriate only to the normal conditions of crime. The procedure to deal with revolutionary crime has to be practical in the sense of being appropriate to the special conditions so as to secure as fair a trial as is feasible under the exceptional situation".

I recognise that that was said in the year 1919, or 1917, but I feel certain that the House will recognise that the Government of Bengal under the able guidance of His Excellency Sir John Anderson are today as careful as they were in 1917, to examine these cases with the utmost care and to see that no order is passed which is not fully justified. That is the provision of the Bengal Act.

I now come on to the provisions made in the Act of 1932, which I am asking you to extend and to put permanently on the Statute-book. Again we have to profit by experience. Experience has shown that if the most dangerous, most desperate terrorists are kept in their own province of Bengal, it is very difficult to segregate them effectively in Bengal. It is difficult to prevent communication with the outside world. There have been instances in which plots have been concocted by these detenus when they are actually in the camps in which they are detained. My predecessor quoted examples of that, which occurred shortly before he made his speeeh two and a half years ago. I would quote other instances which will make the House realise the danger of keeping these more dangerous prisoners in Bengal. An example of this came to my notice only a few days ago where four prisoners who were under trial in a terrorist conspiracy case in Calcutta escaped from the Presidency Jail. Not only can I quote the example of Bengal; I can quote the example of other provinces also. Madras unfortunately had an outbreak of terrorist crime about this time last year. Luckily the police was successful in arresting the offenders and placing them under trial. It was found by the judge who tried the case that there was no doubt that these persons had been contaminated by association with the Bengal terrorist prisoners who were confined in the jails of that province. That is another example of the difficulty of segregation. In Bihar there was a case of which I knew a good deal at one time of a very dangerous gang of terrorists which was ultimately prosecuted and convicted. They were responsible for several murders including one of an unfortunate station master. After they had been convicted, the Government of Bihar represented to us very strongly that it would be very difficult to keep them in safe custody in the jails of that province. I myself know that when these accused were under trial we had on two occasions, I think, information that they had very nearly secured their escape by a plot which they had concocted in jails.

THE HONOURABLE MR. BIJAY KUMAR BASU: They were not detenus?

THE HONOURABLE MR. M. G. HALLETT: They were under-trials. That is one of the reasons why we had to remove these people to this camp that we have got in Deoli. There is a further reason too, and I think this point

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was made by my predecessor when he addressed this House on the last occasion, and that is, that if you remove the more dangerous prisoners, it is easier to deal with and to try and reform the less dangerous. The more dangerous are removed to Deoli, the less dangerous are kept in the detention camps at Buxar, Hijli, and other places in Bengal itself. The reformation of these detenus is a problem to which the Government of Bengal has devoted attention and they are doing their best despite, I am afraid I must say, some opposition from the terrorists themselves—and very ill-founded opposition —to give them a training which may fit them for earning an honest livelihood. If the worst are kept with those who are less infected with the poison of terrorism, then it is difficult to control them, and in a speech made by an Honourable Member in the Lower House who has experience of these camps in Bengal that point was emphasised. Thus, the segregation, the removal of these people to the camp at Deoli is for these two reasons. One is to make it safer, to prevent the possibility of escape, to prevent the hatching of plots within the camp itself, and secondly, to facilitate dealing with those who are not so desperate and not so dangerous.

I would like to refer briefly to this camp at Deoli. When the Bill was under consideration on the last occasion, both the Home Member, Sir James Crerar and the Home Secretary promised that they would do as much as they could to make conditions similar to those in Bengal. That promise has, I submit, been fully implemented. The Home Department cannot work miracles; it cannot of course make the climate of Rajputana similar to the humid climate of Bengal, but as far as possible, steps have been taken to make the conditions similar to those in Bengal. I have myself visited the camp—I regret though only for a very short time—and from what I saw in that short time, everything seemed to me extremely suitable for the detention of these prisoners. They had excellent barracks, some to accommodate four or five persons, some a larger number. I was particularly impressed by the hospital which was very well fitted up and had all the necessary apparatus for treatment of diseases of all kinds. They had good playing fields where they could play badminton or football, and altogether the conditions there were certainly not as bad as they seem to be painted in some quarters. As regards the question of treatment, it is a matter which is very carefully looked into and no doubt Members of this Council are fully aware that the late Home Member took a particular interest in this problem. He visited Deoli himself and whenever any question arose regarding the treatment of detenus he took a keen personal interest in it. The present Home Member, the Honourable Sir Henry Craik, in his speech the other day in the Assembly, promised that he himself would also visit Deoli on the earliest possible occasion and make himself fully acquainted with the conditions which prevail there. But there is one point I would like to make. It is impossible to run everything from headquarters. We cannot look from this distance into the details of the work of that camp and I think we owe a deep debt of gratitude to the Superintendent of the Detention Camp, Mr. Finney, for the work that he has done there during the last one and a half years that he has been there. I was particularly glad to see that his services were recognised during the last Birthday Honours and that it was

thereby shown that Government appreciated what he had done in maintaining order and discipline in the camp and in doing all he could for the terrorists who were under his control.

I do not think it necessary for me to go into further details about the actual condition of the prisoners in this camp. If anybody wishes to hear about them, I shall be very pleased to tell him all that I know. Those are the main features of the primary Bills which this is designed to supplement. But, as I said at the beginning, the main point of this Bill is to extend and put permanently on the Statute-book the powers which were given by the Act of 1932. I shall, I understand, have an opportunity of talking at greater length on the question of permanence of these Acts during the discussion of the amendments of which notice has been given. At this stage perhaps it is only necessary for me to indicate briefly what my arguments will be. It is clear that the Act must be extended, otherwise it will expire in April next year, three years after the Act of 1932 was passed by this Council. No one can hope that six or eight months hence it will be possible to get rid of and set free all these detenus. If the Deoli Camp were shut down it would mean these prisoners would go back to Bengal, Bengal would have to build a new camp and Bengal cannot afford any money for luxuries of that kind. But the main point is whether the Act should be permanent, whether it should not be for a term of years. The points I would make and which I will amplify later are, first, that Bengal, the Bengal Government and the Bengal Legislative Council, have recognised the necessity of making their Acts permanent. Experience has shown that temporary legislation is of very little use in dealing with this menace of terrorism. As I have said, they passed that Bill by a very large majority and the special clause which dealt with the question of permanence was passed by an equally large majority of 63 to 15. Secondly, having regard to the history of terrorism, having regard to the fact that it is now between 27 and 30 years since terrorism first showed itself in Bengal, we should be unduly optimistic if we think that we can see the end of terrorism. I regret to have to make that remark, but one has to be guided in a matter of this kind by experience and experience has shown that though this movement has, as a result of the action taken by Government, at times decreased in vigour; as soon as Government have relaxed their efforts it has shown its head again and shown its head again with greater violence than before. That is a point on which I am prepared to say more when we are discussing these amendments of which notice has been given. Thirdly, and I think this is an important point, and a point made by the Honourable Home Member of the Bengal Government, the fact that these Acts are permanently on the Statute-book should have a deterrent effect on the terrorist himself. It should make clear to him that Government will carry on these measures as long as he carries on his subversive movement. That is one of the main reasons why Bengal and the Bengal Legislative Council decided that it was necessary to make these Acts permanent. I do not think I need say any more on the provisions of the Bill itself. We do not regard these Acts to amend the criminal law as the only measures to be taken against terrorism. We regard them, however, as essentially necessary in order to carry on that campaign. But as the late Home Member made clear in the Lower House, we and the Government of Bengal attach equal importance to other measures more radical and less drastic

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to improve conditions in Bengal. The whole problem of terrorism is one to which the Government of Bengal under the able guidance of Sir John Anderson are devoting their most careful attention, and it is one to which the Government of India are devoting equal attention. There are, I am glad to say, hopeful signs that the situation is considerably improving. Public opinion is now expressing itself against this menace and I trust that that opinion will grow and that within a short time we may see an even more marked improvement in the conditions in Bengal. I trust in making those remarks I have not been too optimistic. It has sometimes happened that one happens to say that the situation in Bengal is improving; the next day one hears of some new outrage. After all it is only a year since we heard of the murder of Mr. Burge; it is only a few months since we heard of the unsuccessful attack on His Excellency the Governor. But if we have the powers which Government consider necessary for dealing with the terrorist by the means which this Act provides, and if at the same time public opinion consolidates and takes active measures against terrorism, I have no doubt that in a short time the position will be considerably better than it was two or three years ago.

Sir, I move.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): Any attempt on this side of the House, Sir, to discuss this Bill may probably be interpreted as indirect sympathy with the terrorists and the movement, and so I at the outset want to make it perfectly clear that I and my Honourable friend Mr. Hallett are both equally anxious that this movement should be stamped out from this unfortunate province of Bengal and also from India. Last year, in this very august House, I had an opportunity to deal with a similar question and then at that time also I made it clear that we who do not see eye to eye with Government on certain measures do really desire that this menace should not only be suppressed but should be stamped out, and that the misguided youths should be trained and employed in such activities that they will be able to do good to their country and province. With this prelude I desire to discuss as briefly as possible the measure before us. In this measure I find three important issues involved, the detention of political suspects outside Bengal for an unlimited period, the taking away of the powers of the High Court which we regard as *habeas corpus* powers or as our *Magna Charta*, and thirdly, making the Act of 1932 permanent. It is admitted on behalf of Government that the movement has been in existence in Bengal unfortunately for the last 30 years. I am afraid, Sir, to state that in spite of there being so many Acts from 1908 up till now the movement could not be controlled by Government. It is most unfortunate that the movement could not be stamped out in spite of these Acts and the stringent measures taken under these Acts. Bengal has produced the best politicians, Bengal has produced eminent lawyers, Bengal has produced famous scientists, Bengal has produced the best poets and therefore I cannot really find out why Bengal should produce the worst sort of these anarchists and terrorists. One really fails to understand the mentality of these terrorists. But I may submit, Sir, that these manifestations of terrorist activities have taken place in other parts of India also, but with very few exceptions, Sir, I find that in other parts of India those movements have been nipped in the bud and there was no further

outburst. If one may care to refer to the Rowlatt Committee Report in which they have exhaustively dealt with this question, one may find that terrorist activities in other parts of India have been nipped in the bud and there have been no manifestations again of those activities in other provinces. If that is so, what is wrong with Bengal? Why are these activities not controlled, not checked, and not stamped out of Bengal? Is it due, as stated in some quarters, as alleged by public men of Bengal in the Bengal Legislative Council and also as alleged by some Members of the Legislative Assembly in the other House, that there is something wrong with the actual operation of these measures in Bengal that the movement is not controlled? Statements, very grave statements, have been made, Sir, in the Bengal Legislative Council when this Act of 1934 was passed, alleging against the misconduct of officials in dealing with these measures. Statements have been made to the effect that on account of these measures being used in the most tortuous way that these terrorist activities are not controlled, but they are practically increased. The Bengal Members in this House may know, they may be able to say definitely whether those statements made by public men in Bengal in the Legislative Council and by other Members in the other House are correct or incorrect; but to an outsider like me it appears that there is something wrong with the administration of Bengal which is responsible for this movement making headway every now and then. I find, Sir, that the case of Government as stated by my Honourable friend Mr. Hallett and as stated by the Honourable the Home Member in the Assembly is that these terrorist activities are controlled to some extent, but when these terrorists find that the powers are going to expire soon they again start their nefarious activities. Well, Sir, if these terrorist activities have been controlled—and I am glad to find that they have been controlled to some extent—I think I may be right in saying that if by these measures that have been controlled to a very great extent, Government will not find it difficult in stamping out the movement in a very short time and therefore this measure before us is inopportune. If Government is not optimistic about the menace disappearing, then I submit, as I have already said, that by making a measure like the one under consideration permanent you cannot expect, as you have not been able to do within the last two years, to drive away this menace. There are other points for consideration for rooting out this menace, and I am glad to find that those other points have appealed to Government. In this connection, Sir, I may be excused if I read just a sentence or two from the Address of His Excellency Sir John Anderson, Governor of Bengal, to the Legislative Council. He says:

"While we have been compelled by circumstances to assert the authority of Government and to seek and where necessary to employ exceptional powers to deal with movements which aim at undermining that authority and destroying respect for law, and while I claim that all experience goes to show that the outward manifestations of disorder can only be dealt with by what are called repressive measures and that any Government that neglects or fears to employ such measures is sealing its own doom, my Government have always realised that there are certain underlying or predisposing causes of unrest that must be removed if lasting improvement is to be achieved. It is not enough to meet force by force or to overbear lawlessness by asserting the majesty and power of the law. An atmosphere must, if possible, be created in which the seeds of disorder will not readily germinate. Here in Bengal, as any careful observer must realise, there are problems political, social and economic, formidable no doubt in character but amenable, I am sure, to treatment, given imagination, resolution and goodwill, the solution of which would, in a short time, change the whole aspect of affairs".

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Here is a responsible authority which tells us, Sir, that it is expected to stamp out this menace within a very short period by employing other methods to tackle this problem. But here the Government of India want us to make a measure which my Honourable friend had an objection to call a "repressive measure", but we, Sir, do call it repressive in the sense that under the ordinary criminal law we do not find any measure wherein the right of liberty is denied to a criminal, the worst of criminals, without a trial and without giving him an opportunity to put his case before a proper court of law. And therefore, Sir, I submit we call it a repressive measure.

THE HONOURABLE THE PRESIDENT: Are you not aware that they do worse things on the Continent?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, we are living under British rule and not under Hitler rule and I expect that under British rule in these progressive times when we are promised so many constitutional reforms we should be treated in the light of modern conditions. Then, Sir, I am also further glad to find that Government has stated that public opinion has begun to assert itself against this movement. Government wants public opinion to be mobilized but, Sir, from the speeches that have been made by public men in Bengal—those who know about things, those who have dealt with those things,—it seems I at least must come to the conclusion that if public opinion is against this menace of terrorism it is equally against the introduction of such repressive measures. I do not want to read sentences or passages from the speeches of these public men made in 1934 when the Bengal Act was passed, but I want to draw the attention of the Honourable Members of this House that if one cares to read them he will find that only one conclusion can be drawn from those statements, and that is that public opinion in Bengal is equally against the introduction of such repressive measures.

THE HONOURABLE MR. BIJAY KUMAR BASU: What is the conclusion about the voting?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: My Honourable friend Mr. Basu has drawn me to a very very difficult and complicated question. I wanted to keep silent on that point and I did not like to make any mention about it. Though I know that the Bengal Legislative Council has passed the measure by a majority of 61 to 15 votes but as he has drawn me to an expression of opinion I may state that the conclusion that one is obliged to draw from it is that the Bengal Legislative Council has lost its representative capacity on account of the Congress ban. (*An Honourable Member*: "Are there no elected Members on the Council now"?) There are elected Members. Then, Sir, about the detention of these political suspects in Deoli Camp and sending some of these State prisoners to other provinces, I am afraid I cannot see eye to eye with my Honourable friend, Mr. Hallett. Unfortunately, some four or five State prisoners or political suspects—call them what you like—have been sent to my province also. I wish my province had been left out of it. By God's grace my province has been free up to now and it is not a wise act on the part of the Government of India to send these people here.

THE HONOURABLE MR. M. G. HALLETT: All provinces have to bear their share.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Let those provinces which are willing bear their share but my people are not willing to bear their share.

THE HONOURABLE MR. BIJAY KUMAR BASU: They are not at large. You need not be afraid.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: They may be in jail but as stated by the Government they are a very dangerous type of criminals and they may contaminate my prisoners.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): They have in Madras. Our good name has been lost owing to these people.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: The question is, Sir, whether those people who have been sent to Deoli or who have been sent to other provinces do get equal treatment and the same facilities as in Bengal? I was reading the other day, Sir, the debates in the Bengal Council and there I found that the Honourable the Home Member in Bengal stated that as the jails in Bengal were overcrowded with the civil disobedience prisoners, these political suspects should be sent out of Bengal and the other reason similar to that given by my Honourable friend today was also stated by the Honourable the Home Member. Now, so far as the civil disobedience prisoners are concerned, I believe the Bengal Government should not find it difficult to accommodate their prisoners in the Bengal jails as many of the civil disobedience prisoners have been released.

THE HONOURABLE MR. M. G. HALLETT: Can the Honourable Member give me the reference to the Home Member's speech in Bengal?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: We find from the various questions and answers in the Lower House and the speech of Mr. S. C. Mitra made while this Bill was being considered——

THE HONOURABLE THE PRESIDENT: Was that speech made this session?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Yes, Sir. I am not quoting that speech. I will only refer to it.

THE HONOURABLE THE PRESIDENT: You may refer to it as if they were your remarks. Do not refer to Mr. Mitra by name.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: The allegation has been made that the Deoli prisoners do not get the same facilities that they would get in their own province.

THE HONOURABLE MR. M. G. HALLETT: In what particular?

THE HONOURABLE MR. BIJAY KUMAR BASU: Eating fish!

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Concerning food, concerning climate. As my Honourable friend said just now, Government cannot change the climate of Deoli. If the Deoli prisoners do not really get the same facilities as they do obtain in Bengal, I see no reason for spending public money for creating such a big camp at Deoli for housing these prisoners. It does not reflect on the credit of the Bengal Government that they are not

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able to put under control their own prisoners and that they require to send them out of Bengal. With all this paraphernalia at their beck and call I really fail to understand how these terrorists find an opportunity of communicating with others outside the jail when they are in their jails in Bengal. If this fact be true, that shows that there is something wrong also with the administration of jails in Bengal. My Honourable friend Mr. Hallett has told us this morning that the cases of these detenus were examined by two eminent judges, one from the Calcutta High Court and one from the Bombay High Court, in 1915, and after examining their cases, they were sent to jail. But may I know from him if the same procedure is followed even now? Because public men in Bengal say that the same procedure is not followed nowadays.

THE HONOURABLE MR. M. G. HALLETT: Sir, I will make that point clear. It is provided in the Act that every case is to be examined by two persons of the rank of Sessions Judge. That is a statutory provision and that statutory provision is complied with.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Well, Sir, I take it as absolutely correct that every case of a suspect is being looked into by two Sessions Judges nowadays, and after the cases are examined by two Sessions Judges, they are sent to the Deoli camp or to other places as State prisoners. I had an opportunity of reading some portions of the Rowlatt Report, a report which was regarded as most reactionary in those days but which is regarded as something better than the present measures taken by the Government now, so far as these detenus are concerned. The Rowlatt Report——

THE HONOURABLE MR. BIJAY KUMAR BASU: That is ancient history.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Unfortunately we have to deal with ancient history. We have to deal with the terrorists for the last 30 years. We cannot do without it.

On page 207, the Rowlatt Committee which was appointed to examine this question and which exhaustively examined this question made a recommendation about the ways of dealing with the cases of these suspects. They say:

"The duty of the investigating authority will be to inquire *in camera* upon any materials which they may think fit and without being bound by rules of evidence. They should send for the person and tell him what is alleged against him and investigate the matter as fairly and adequately as possible in the manner of a domestic tribunal".

If my information is correct, this procedure is not being followed nowadays. The cases of these suspects are being examined by two Sessions Judges behind his back without giving him any opportunity whatsoever of meeting the charges against him, and on the recommendation of those Judges the Governor in Council makes an order and puts him in the Deoli camp or somewhere else.

THE HONOURABLE MR. BIJAY KUMAR BASU: The order is passed before the Judges look into the case?

THE HONOURABLE MR. M. G. HALLETT: Sir, may I again correct the Honourable gentleman to avoid any confusion on this point? He suggested

that the accused had no chance of making a reply to the allegations made against him. Section 9 of the Bengal Criminal Law Amendment Act, 1930, says:

"* * * The Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge, or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him".

He has an opportunity of giving answers to the charges and those answers are considered by the Judges.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: So may I understand that the detenu is given an opportunity of answering the charges made against him?

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THE HONOURABLE MR. M. G. HALLETT: Yes, Sir.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Of testing the material against him?

THE HONOURABLE MR. M. G. HALLETT: Of answering the allegations made against him.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: That is, the material is placed before him and he is required to answer that material.

THE HONOURABLE MR. M. G. HALLETT: I cannot quite follow the Honourable gentleman. He will doubtless make it clear in his speech?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: You may in a general way say to the accused what is the charge against him; you can also place the material before him and ask him what answer he has to give to the material, whether it is documentary or oral?

THE HONOURABLE THE PRESIDENT: You cannot expect him to answer without placing some evidence before him. The Honourable Mr. Kalikar.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: They further say, Sir, that should such person against whom the charge is made indicate that other persons or any other inquiry may throw light on the matter from his point of view the investigating authority would endeavour to comply with the suggestions if it seems relevant or reasonable. Then, Sir, about the composition of the investigating authority they say:

"If the functions of the investigating authority are such as we have described, the difficulty of its composition is minimised. For an inquiry in a judicial spirit into facts, knowledge and experience are the requisites. It has been suggested to us that the judicial, the executive and the non-official element should be represented upon the body or bodies in question. Having indicated the functions which we recommend for the investigating authority, we do not feel that we are driven to give our views as to its exact composition. But we think we may say, as based upon the experience gained in the course of our labours, that one member should be a non-official Indian selected for his knowledge of the people".

So this recommendation has not been followed and that seems so from the answer to my query given by my Honourable friend just now. The measure is going to be placed permanently on the Statute-book and we are asked to

[Mr. Vinayak Vithal Kalikar.]

support it. By it the citizens of Bengal will be deprived of their liberty for ever. Under it there will be banishment without trial and that too permanently, not for a limited period. Without a trial, without giving the accused an opportunity to prove his innocence, Government want us to support this measure, as if a measure conceived for an emergency and fit for an emergency, should be made permanent. We at least on this side of the House cannot be a party to such a measure. We can understand the difficulties of the Government in an emergency ; we can understand the necessity for an emergent measure, but we cannot understand why measures like this should be put on the Statute-book for all time. Then I want to deal with the barring of the powers of the High Courts under section 491 of the Procedure Code. As I have said, it is a kind of *Magna Charta* and Government want to take away those powers permanently. The High Courts have been established by Letters Patent, by His Majesty's Order in Council and the public in India have come to have full faith in the High Courts established by the British Government in India, and if you, Sir, want us to lend our support to the deprivation of the High Courts of their powers, I do not know where we will be stranded. There are certain preventive provisions in the Criminal Procedure Code, sections 108, 109 and 110. You had enacted an emergency measure in 1932 to which the other House gave its support, and not the House alone but the Opposition gave its support, taking into consideration the situation at that time and the necessities of the Government. But in spite of these measures we find that the Government of Bengal have not been able to stamp out this menace. Then it is the duty of the Government of India to tell them openly in clear words that, as you have not been able to put your house in order in 30 years, you should not come to us for assistance by asking us to make this measure permanent.

THE HONOURABLE SAIYID RAZA ALI : Then matters will grow much worse.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I would have been glad if these measures in the last 30 years had improved the situation, and if my Honourable friend Mr. Raza Ali can tell me that by passing this Act this menace would be stamped out permanently, I will be one with him in supporting it. But what I find is that with four measures on the Statute-book during the last 30 years the menace has not been stamped out of Bengal. I am over-zealous, Sir, in guarding the powers of the High Court ; and I believe that those who had dealt with criminal litigation in courts will also be over-zealous in guarding the powers of the High Court against interference by the executive. It is merely a substitution of executive action for judicial action and that too, Sir, not as an emergency measure, not for a limited period, one, two or three years, but permanently. As a lawyer, Sir, having some experience at the Bar, I at least cannot see my way to support this kind of measure when all it does is to deprive the High Court of its power. Then, Sir, it has been stated (and I am glad to find it) that other measures for stamping out this menace for ever are required and that the Governor of Bengal is considering the adoption of those measures. I would ask the Government of India to get an explanation from the Government of Bengal on this point as to why they have not adopted these other measures—barring the repressive measures—

to stamp out the menace during the last 30 years ? If, as I just now quoted, His Excellency Sir John Anderson says that other measures are required to stamp out this evil, more importance must be attached to bring into effect those measures to stamp out this menace than asking us to put on the Statute-book measures like this permanently. I therefore submit, Sir, that it is not only in the interests of Government but in the interests of Bengal and in the interests of India that instead of adopting such repressive measures they should follow the other course ; they should take some other measure, as stated by His Excellency, and they should try to mobilise public opinion in their favour and stamp out this evil. As the present measure takes away the powers of the High Court permanently in order to detain people without trial, I do not see my way to give my support to this Bill.

THE HONOURABLE THE PRESIDENT : There is a notice of amendment given by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra. That amendment has to be first disposed of before the consideration stage is reached. I shall therefore first call upon the Honourable Member to move his amendment, but I would like to know from the Member in charge if a Select Committee was appointed in the Lower House. I understand that a Select Committee was not appointed. I must, however, make sure on that point.

THE HONOURABLE MR. M. G. HALLETT : There was no Select Committee in the Lower House, Sir.

THE HONOURABLE THE PRESIDENT : In that case under rule 29 the Honourable Member is entitled to move for the appointment of a Select Committee in this House. I may point out that rule 29 crystallises the traditional practice and procedure of the House of Lords. The Honourable Member is entitled to speak, but this privilege of asking for the appointment of a Select Committee in the Upper House is very, very rarely exercised. This Council was constituted in 1921—it emanated from the Montagu-Chelmsford Reforms—and I have been in this Council from 1921 and as far as my recollection goes, not on a single occasion has this House appointed a Select Committee to reconsider a Bill. I mention this fact to the Honourable Member merely because it is a very small Bill and I find that the reference to Select Committee will cause considerable delay and would hamper the progress of the Bill. Though the Honourable Member has a right to move his amendment, I wish to point out to him that clause 2 is the only matter for consideration and the question whether this Bill should be made permanent or limited for a fixed period of three or seven years and this can be more usefully and expeditiously discussed and threshed out by the whole Council here today than by a reference to a Select Committee.

With these observations, I would ask the Honourable Member to consider whether he desires to move his amendment ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I make this Motion and place my arguments as to why I want the Bill to be referred to a Select Committee and then Honourable Members will be free to decide whether this Bill is worth referring to a Select Committee or not. Sir, I beg to move :

"That the Bill be referred to a Select Committee of this House."

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

We are very thankful to you, Sir, for giving us the history of the case and saying that no Bill which had been passed by the Legislative Assembly has been ever referred to a Select Committee here; the reason is, Sir, that the other House is always zealous of its rights and privileges and always takes the opportunity of referring Bills to Select Committee.

THE HONOURABLE THE PRESIDENT: I am afraid you have entirely misunderstood my remarks. I did not say that this House has no right; the House has the right under rule 29 framed under the Government of India Act, but I merely stated that this privilege is very rarely exercised in the House of Lords, and so far as my knowledge goes it has not been exercised in this Council up to now and I therefore invited you to reconsider your decision.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): It has been exercised on one occasion.

THE HONOURABLE THE PRESIDENT: I said to the best of my recollection. I would like to know on which occasion it was done?

THE HONOURABLE MR. P. C. D. CHARI: On a Bill amending the Hindu Law in regard to the rights of Hindu women. There was a Bill which was passed there without a Select Committee in the Assembly and we had a Select Committee here.

THE HONOURABLE THE PRESIDENT: If a Select Committee had been appointed in the originating Chamber, there could not have been a Select Committee in this House, and therefore I am afraid your impression is incorrect.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I was saying the same thing and though this House has got a right to refer Bills to a Select Committee, Bills have not been referred under rule 29.

THE HONOURABLE THE PRESIDENT: Rule 29 does not apply to the lower House; it applies to the upper Chamber.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Rule 29 says:

"Any Member may (if the Bill has not already been referred to a Select Committee of the originating Chamber or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and, if such motion is carried, the Bill shall be referred to a Select Committee and the Standing Orders regarding Select Committees on Bill originating in the Chamber shall then apply".

Sir, I am referring to the same rule. This Bill was not referred to a Select Committee in the originating Chamber and therefore I am taking the opportunity for referring it to a Select Committee in this House. We all know that it is on very rare occasions that Bills are referred to Select Committees from this House, because all the Bills that come here have the Select Committee stage in the originating Chamber. Now, the question is whether it is worth while to refer this Bill, as it has been called a very simple measure having only two sections, to a Select Committee or let the whole House be formed into a Select Committee and discuss the Bill on the floor of this House. Sir, the Bill is very

simple but it depends upon other Bills which in no way can be called so. It depends upon the Bill that was passed in 1932 by both the Chambers and then it refers to a local Bill, I mean the Bengal Criminal Law Amendment Act that was passed in 1930. Unless one reads the two Acts together with this Bill he cannot come to a right conclusion what this Bill implies. Sir, the Bengal Criminal Law Amendment Bill has not been supplied to us and I understand, Sir, that there are very few copies in the Library. I do not know, Sir, why the Assam Criminal Law Amendment Act, local as it is, has been supplied to us together with the Bill that was placed on the table yesterday. I would request you, Sir, as the guardian of the rights and privileges of this House, that the local Bill of Bengal ought to have been similarly supplied with this Bill to enable the Members to go through it and come to the right conclusion. So, Sir, if this Bill is referred to Select Committee the Members will have a chance of going through all the three Bills and formulate their opinion. Then, Sir, this Bill is also very important although it looks very simple because it infringes the rights of the High Courts and was discussed in the lower House at great length that it goes against the Habeas Corpus Act. Under that Act the High Courts with their Letters Patent have the right to call any member and ask him to produce evidence before them to come to the conclusion whether he has been rightly detained or not. Sir, this Bill, though it looks very simple, infringes that very important Act, and it also nullifies the effect of section 491 of the Criminal Procedure Code. In that section similar powers have been given to every man who can redress his wrong if wrongfully detained by making a representation to the High Court and producing the evidence. So, Sir, my contention is that the Bill is not so simple as it looks and it certainly requires a thorough examination in Select Committee. Then, Sir, there is another important feature of this Bill and it is this that it wants to give permanency to an Act which was in the first instance introduced for three years only. Now, this is a very important question and it should have been discussed thoroughly in Select Committee, that is whether permanency is to be given to the Bill or its life should be extended for two or three or four years. In Select Committee the Members can have a heart to heart talk and there is always a chance of coming to a compromise with the Government and therefore if this Bill is referred to a Select Committee I am sure some solution may be arrived at which may be acceptable to all the Members and the Bill may be passed without any dissentients.

Sir, this is what I have to say so far as the Motion for reference to a Select Committee is concerned, and with these words I move:

"That the Bill be referred to a Select Committee of this House."

THE HONOURABLE THE PRESIDENT: Motion moved:

"That the Bill be referred to a Select Committee of this House."

The debate will now only proceed on this amendment

*THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, it seems to me that my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra has moved his Motion about the reference of this Bill to a Select Committee more for jealously guarding the rights of this House and its privileges than really for some legislative purpose

*Speech not corrected by the Honourable Member.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have given more reasons than that.

THE HONOURABLE MR. BIJAY KUMAR BASU: I know you have and I am going to deal with them. The first reason that he gave us was that the right of *habeas corpus* has been infringed and the rights of High Courts to interfere on that ground would be infringed if this Act were to be passed and that matter has to be more thoroughly discussed in a Select Committee than in this House to come to a definite opinion whether this House should allow that sort of interference with the High Courts' powers. If I may remind my friend that this very matter was discussed almost threadbare and if not threadbare certainly discussed very fully in 1932 when this Bill, the Bengal Criminal Law Amendment Bill, came up for discussion before us. Questions were raised whether it was within the competence of the Indian Legislature to take away the right of *habeas corpus* and on which, if I remember rightly, decisions were quoted as far back as from 1870. The second question that my Honourable friend wants to deal with in Select Committee is whether this Bill should have a time limit or be of a permanent character. Then, again, that question, my friend thinks, would be better discussed in a Select Committee than in this House. I have not as yet found any reason why that question cannot be thoroughly threshed out on the floor of this House.

As regards permanency, Sir, we have been talking of this feature being a permanent feature on the Statute-book as if anything permanent can be done by human actions. If no time limit is put today on this measure it is open to the Legislature hereafter to repeal it. Where is the permanency? If, for example, we have law and order as a transferred subject in Bengal at the next reforms, and if it is in charge of a minister who is responsible to the Legislature, and if they think that they can take the responsibility on their shoulders about terrorists, it would not take them two seconds to repeal this measure if they think that they can do without it. Therefore, Sir, talking of permanency I see no great reason why that question cannot possibly be tackled on the floor of this House.

Another point that was raised by my Honourable friend which is really the sheet anchor of his argument is that there was a possibility of a compromise with the Government if they have a Select Committee. My Honourable friend ought to have known by this time that on any measures of this kind which they have been pleased to call repressive—and my Honourable friend Mr. Hallett would certainly not like that expression to be used in these matters—there can be no compromise with the Government. The Government will not enter into any compromise whatever Select Committees you may form.

THE HONOURABLE MR. M. G. HALLETT: Sir, I can see no advantage in a Select Committee. The only advantage which I thought might accrue from a Select Committee is that it will consist of a few Members of this House and this will enable the others to go away and devote themselves to their own work. The Honourable Member however adopts a new procedure and proposes that the Select Committee should be a Select Committee of the whole House. The disadvantage of having a Select Committee would be, I understand, that you, Sir, will not be able to take the Chair. As the Honourable Mr. Basu has

pointed out, all these matters can be considered very easily on the floor of the House in full session. They have been considered previously in 1932 and they can do so again now. A Select Committee is usually formed only to discuss the details of an elaborate measure. This Bill contains only one section.

Sir, I oppose the amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That the Bill be referred to a Select Committee of this House."

The Question is:

"That that amendment be made."

The Motion was negatived.

THE HONOURABLE THE PRESIDENT: The debate will now proceed on the original Motion.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, the Bill we are discussing is not a new law. The Bill proposes to prolong the life of the existing law, and therefore I think we need not discuss its principles, because they were fully discussed two years ago. Sir, the main Act to which this Bill is supplementary was passed by the Bengal Legislative Council by a preponderating majority of 63 to 12, and I am sure that these 63 included a large number of elected Members. My Honourable friend Mr. Kalikar said that at the Deoli camp the authorities were more strict towards the detenus than in the detention camps in Bengal. The reason is obvious. The more dangerous detenus than those who are kept in Bengal are sent to Deoli. Then he said that when the "so-called" repressive measures have not succeeded in stamping out this terrorist movement from Bengal, what was the good of extending their life or re-enacting them. To this, I will simply repeat what was said in another place the other day.

THE HONOURABLE THE PRESIDENT: May I draw the attention of the Honourable Member to the fact that he is not entitled to refer by name to any remarks made this session in the other House?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: I will not make any distinction between the so-called political crime and ordinary crime. Murders are committed in the country. We have got a law in the country prescribing death sentence for murder. Now, the law has been in force for a long time and still murders are committed every day. Does it follow that because the capital punishment has not succeeded in stopping the commission of murder in the country, you should do away with the punishment? This is the very simple reply to his argument.

It was then said that one would not like to see such repressive laws under English rule. That is true, but I would certainly add a further sentence and say that I also would not like to see open-day assassinations under English rule.

Objection has been raised to the fact that this Bill is being given a permanent place on the Statute-book. I do not see much force in this objection.

[Nawab Malik Mohammad Hayat Khan Noon.]

As soon as the necessity for this law disappears it can be repealed. Why should we bother ourselves about the life of the Bill now? As soon as it becomes unnecessary it can be repealed. Why should we say that it must be limited to only three or four or five years? Our last experience shows that three years did not suffice and so this matter has been brought before the Council again.

Sir, I support the Bill.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, the position as I understand in regard to the Bill is this. The Bengal Legislative Council has recently passed a measure by which the Bengal Criminal Law Amendment Act has become a permanent measure. The Bengal Government want certain further powers. Those powers can only be given to them by the Central Government. They have therefore approached the Central Government to give them certain powers which they consider necessary, and they want those powers to be given to them permanently. The Bill which has just been introduced seeks to give permanency to legislation passed by this Council. That legislation empowers the Bengal Government to direct that any person arrested or detained under the Bengal Criminal Law Amendment Act shall be committed for custody to any jail outside Bengal, and it also bars the jurisdiction of the High Court under section 491 of the Code of Criminal Procedure; that is, it deprives the subject of the remedy known as the writ of *habeas corpus* in cases which come under the provisions of this Act. And all this is to be done not temporarily but permanently. Sir, it is relevant therefore to enquire who these detenus are who are going to be deported out of Bengal. They are men who have not been tried by any court of law. They are men whom the executive Government suspects; they have not been given any opportunity of clearing themselves; no charge has ever been framed against them in a court of law or before a duly constituted legal authority; no opportunity has been given to them of meeting the case against them. In fact, as the Honourable Home Secretary suggested, the whole principle of the Bengal Act is detention without trial. That is the purport of what he said. It substitutes the reign of executive discretion for the reign of law. The question that we, as an all-India body, a body which is in a position to take an all-India view of the matter, have to consider is whether we shall be justified in empowering the executive to impose a heavier punishment upon those who have not been tried or convicted by a court of law than is meted out to a criminal who has been tried or convicted. For the power of detention outside Bengal—I want to emphasise this point—would really amount to giving the executive the power to impose upon them a punishment which would be analogous to transportation. Speaking for myself, Sir, I say that the whole principle of trial without detention, the whole principle of giving punitive punishment to a man who has not been found guilty by a duly constituted court of law is wrong. It is impossible to regard men who have not been convicted and found guilty by a court of law as confirmed criminals. They may be guilty of what the executive suspects them or they may not. We do not know. All that we do know is that they are not men who have been found guilty by a court of law. Now, Sir, it daily happens that a man is prosecuted by the police, convicted by the trial court and acquitted

honourably in appeal by the appellate court. It is not unusual for Sessions Courts, which have had the opportunity of hearing witnesses and watching the demeanour of those witnesses, to be upset by the High Court. There have been occasions when the High Court has been reversed by their Lordships of the Privy Council, which, as their Lordships have explained in DeLetts' case, is not a court of criminal appeal. I will remind you of only two cases. One was a case which went up from Madras, and in that case the Privy Council reversed the judgment of a very distinguished Member of this Council, because the High Court had in recording certain inadmissible evidence violated what they called the principles of natural justice. The other was a recent case in which the judgment of the Patna High Court was reversed.

THE HONOURABLE SIR DAVID DEVADOSS: In the first case it was not on a point of evidence that their Lordships interfered, but on the point of law that inadmissible evidence was admitted.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: That is what I said. The rule they have laid down is that they will only interfere where there has been a failure of natural justice. That was a rule laid down in DeLetts' case, and they have followed it consistently. The point I wish to emphasise is that the possibility of error cannot be eliminated even in cases in which the accused has had a fair trial before ordinary courts of law. If courts of law can go wrong and have to be corrected by superior courts, where is the guarantee that the Bengal Government will not? I have no doubt that the Government of Sir John Anderson examines these cases most carefully. I have no doubt that the investigating authorities investigate these cases most carefully. But after all they base their opinions on the material before them and if the material is defective or incomplete there can be no guarantee that a judgment based on that material is correct. It is therefore a presumption which we on this side, at any rate I, cannot accept that those whom the executive Government suspects are necessarily guilty. As lawyers we know that it often happens that the circumstantial evidence against a man is very strong and yet when he is put on trial he is able to give a satisfactory explanation of those circumstances and is acquitted. The principle of detention without trial is bad and it follows from this that men who have been detained on suspicion should be treated differently from those who have been convicted by a court of law. Now, Sir, I find that the view which I have just stated is supported by the Rowlatt Committee. They distinguished between what they call punitive measures which they reserved for those who had been convicted by a court of law, and other special or ordinary and preventive measures, extending to power to arrest, search under warrant and confinement in non-penal custody. They laid down certain safeguards in paragraph 189 of their Report regarding preventive action. I will just invite your attention to it, Sir:

> "No interference with liberty must be penal in character. Nothing in the nature of conviction can be admitted without trial in strict legal form. If in the supreme interests of the community the liberty of individuals is taken away, an asylum must be provided of a different order from a jail".

And they went on,

> "Any interference with liberty must be safeguarded by an inquiry which, though circumstances exclude the possibility of its following forensic forms, must be judicial in the sense that it must be fair and impartial and as adequate as it can be made".

[Pandit Prakash Narain Sapru.]

I know that there is a provision under section 30 of the Bengal Criminal Law Amendment Act for an inquiry, but the inquiry contemplated by the Rowlatt Committee was of a different character, because the Rowlatt Committee had come to the conclusion that one member should be a non-official selected for his knowledge of the people. Now, Sir, the new enactments which the Bengal Criminal Law Amendment Act supplements and which we are asked to complete by providing punitive punishment does away with these necessary safeguards suggested by the Rowlatt Committee. What you are proposing is that the Bengal Government should be given power to take a comparatively extreme form of punitive action against men who have not been tried and whose cases have not been investigated by an investigating authority such as was contemplated by the Rowlatt Committee. Speaking frankly, that is a power which I think we should not be justified in giving.

I proceed, Sir, to consider the arguments the Government puts forward for the proposed power of detention outside Bengal. Detention outside Bengal is not a necessary corollary of an Act which empowers the executive to detain without trial, which substitutes executive discretion for judicial judgment. There is no logical connection between that Act and this. You may detain a man without trial and yet you may not send him outside his own province. Indeed, I would point out that in the discussion on the Bengal Act, as far as I have been able to discover, not a word was said which might have suggested to any one that Government were contemplating to remove the detenus outside Bengal and confine them in Deoli. The official argument for detention outside Bengal is that it is difficult to segregate effectively these hardened prisoners, that their presence has a bad effect upon the less confirmed criminals. I would only point out that that is not the argument which has always been put in the forefront and there has been some shifting of ground. At one time emphasis was laid on the congestion in Bengal jails. Fortunately civil disobedience is over now and there are not many civil disobedience prisoners in jails now. That reason no longer holds good and emphasis is now laid on the fact that conditions will not improve unless these men are segregated. I do not understand this, Sir. These men are kept in prisons. I suppose they are subject to prison regulations and prison discipline? Bengal is a big province and surely there must be some place in Bengal where these men can be segregated and kept apart from the less dangerous criminals. They cannot interview any one they like. Then, what is the difficulty? How can they get into touch with others and how will they, by remaining in Bengal, corrupt others? I confess, Sir, I have not been able to follow this part of the argument of the Honourable Home Secretary, and assuming that the Bengal Legislative Council think that detention without trial is necessary in the interests of Bengal, it does not follow that the men detained should be deported to provinces other than Bengal. It will be said, Sir, "What does it matter where you detain them if detain them you must?" Now, Sir, as lawyers we know that transportation is a heavier punishment than ordinary rigorous imprisonment and I think it is a very serious thing to ask us to agree to this form of imprisonment in the case of men who have not been convicted by a court of law or duly constituted judicial authority and who have not been given adequate opportunity of clearing their conduct. I think it does matter to a man whether you imprison him in the province in

which he is born and to the climate of which he is accustomed, or outside. I can hardly believe, Sir, that the Bengal Government cannot make adequate arrangements for their detention and if that is really the case, then I say in all humility and with all respect that there is something wroing with that Government. If these men are really, as you suggest, deep in the terrorist conspiracy then at any rate the other provinces are entitled to say, "Keep us clear of this contagion" and it is a point of view which we of other provinces would be well justified in pressing. Sir, there is no one in this House who does not hate, detest, condemn assassination. Murder is murder, whatever the motive of the murderer. Discussions about motive are entirely irrelevant and mischievous. It cannot and ought not to extenuate the offence. I would be deeply grieved if my country or my countrymen were ever to condone or sympathise with murder. We, on this side of the House, look upon human life as sacred. We do not wish our young men and our young women, with their high ideals of all that womanhood should stand for, to be brought up in an atmosphere of secret conspiracy, murder and terrorism. I would not have the freedom of my country even if it were possible to do so which fortunately it is not, by murder, and I think we cannot too severely condemn the terrorist and all that he stands for in the life of the community. But while there is no difference between us and you on the question of the end, there is difference on the question of the proper method to be adopted in dealing with terrorism. I was reading the other day a speech by that great and distinguished Liberal, Mr. Asquith—I prefer to call him Mr. Asquith—on the Irish reprisals and I came across a sentence there which sums up my position. I find, Sir, he said:

"It is all important that the executive should stamp out murders and terrorism, but in the performance of that task the means are almost, if not quite as, important as the end".

Sir, I would in all humility say that the means should be such as a wise and just Government would be justified in adopting. Your real difficulty in Bengal is that you have not the support of public opinion in the measures that you are taking notwithstanding that an unrepresentative Legislative Council has passed by an overwhelming majority the present measures, and public opinion feels alienated from you because it is not convinced that you are adopting the proper method of dealing with terrorism. I have often heard it said by respected Bengali friends—and I have a large number of Bengali friends—friends who have no sympathy with terrorism, Government servants, friends who in politics are much less advanced than I am, that what is keeping alive the terrorist movement in Bengal is the policy of which this Bill is the visible embodiment. May I explain this a little? You have armed yourself with measures of extraordinary severity, measures which deprive a man of all judicial safeguards. You arrest a man, keep him indefinitely without trial, give him no opportunity of explaining or clearing his conduct. You take him away from his home to some other province and his friends and relations find it difficult to meet him. You do all this no doubt in, according to you, the best interests of the province, but you also by this antagonise his friends and relations, for while you are convinced that he is guilty and your informers are right, his friends and relatives are not, and the result is that you keep alive the atmosphere in which anarchism thrives. You are not fair to the distinguished officers who have to administer the law. I have no doubt that most of them are men of fine sensibility, but when they have to administer a law like

[Pandit Prakash Narain Sapru.]

this, they make themselves unnecessarily unpopular with the people and become targets of attack by assassins and murderers. Put down terrorism by all means—you are entitled to our fullest support in putting it down—but do it by means which public opinion can support and which public opinion can recognise as just and humane.

I have said enough to indicate that I dissent most strongly from the main principle underlying this measure. A measure like this which suspends constitutional guarantees, which places vast discretionary powers in the hands of an irremovable executive, the power in effect of transportation, can only be justified, if at all, as an emergency measure, for a very temporary and limited period in the interests of the safety of the State. But your emergency is a permanent one. You do not visualise a time when you will be able to do without a measure of this character and you wish it to be placed permanently on the Statute-book of the land. It is a painful conclusion for any Government to have arrived at and it is a conclusion which ought to make one pause and think. You yourself say that the situation is a little more under control than it was before. If it is better now, why do you assume that it will not improve in a few more years and why do you then not think that in a few years you will be able to do without these measures? Your argument is that if the law is not placed permanently on the Statute-book the terrorists will be heartened. Now, Sir, I do seriously think that there is not much force in this argument. The terrorist knows that both Government and society—I include society because I know that we Indians are pledged to peaceful methods only and do not wish our fair name to be tarnished by murder and assassination—are determined to stamp him out and I can hardly believe that he would get heartened by the mere fact that the measure has not been made permanent. Sir, it has been said that there is no such thing as a permanent measure and any measure can be repealed if the situation improves. We know what difficulties you have in repealing a measure. I have said that the conclusion you have to come to, namely, that you can only govern Bengal by extraordinary measures of a permanent nature, is one which ought to make us pause and think. I belong to a school of politics which believes that when you have serious trouble in the body politic, you must look beneath the surface and discover the causes which have given rise to it. It might seem strange that in a world dominated by Fascist and Communist ideas, I should still believe that it is the application of liberal principles which will enable us to find a solution of our problems. Sir, I was looking up that illuminating document—the Rowlatt Report—for the causes of this terrorist movement in Bengal. I note that they traced it to the Partition of Bengal and the passions which that decision roused. I note, Sir, that my Honourable friend, the Home Member, has not thrown much light on the causes that have given rise to this movement in Bengal. Why is it that in Bengal terrorism has found a congenial soil? What can we or what should we do to change the environment under which it thrives? Is its continuance due to political or economic causes, or is it due to a combination of both? Sir, I would suggest that, in order to find a permanent remedy for it, it is necessary to have some understanding of its deeper causes. I am glad to note, Sir, that Sir John Anderson realises this and is

1 P.M.

determined to evolve, what ought to have been evolved long ago, a constructive policy, a policy which will keep the minds of the unemployed youth away from terrorism. It is necessary to administer the law firmly—and I do not deny this—but I would say this. A mere policy of negation has not succeeded anywhere and while stamping out terrorism by all the legitimate means open to it, it is but right and just that Government should remove the grievances which keep it alive in Bengal. Sir, the only effective safeguard against a revolutionary movement is a bold and courageous policy of political, social and economic reform. That is the policy which will enable you to carry with you the reasonable—and I believe the vast majority of the people of this country are reasonable—section of the community, and that is the policy which will create an atmosphere in which it will become impossible for the terrorist to work.

I will now proceed to consider what from my point of view are the most serious objections to the law being placed permanently on the Statute-book. Sir, the executive in this country is an irremovable one. It is not responsible to the Legislature. We have no means of controlling it, of censuring it, or of exercising supervision over it. The laws which we pass will have to be administered by this executive. I have no doubt that most of the men who will administer this law are excellent people but, Sir, their point of view and ours is not always identical. What you are asking us to do is to vest an irremovable and irresponsible executive—an executive the head of which possesses the completest powers of affirmative, negative and preventive powers of legislation—with vast discretionary powers. By doing this we shall be permanently depriving ourselves of such opportunities as we have today of criticising the administration of the measures which you ask us to accept as just and reasonable. I have no hesitation in saying that so far as I am concerned I shall be no party to a step of this character.

A further consideration which weighs with me and which I would say ought to weigh with the House is that you are by this measure tying the hands of the new Government which, under safeguards which we do not consider necessary, will have to deal with this menace. You say that law and order will be transferred. You are, by insisting that the measure should be made permanent depriving the responsible government of the future from evolving a policy of its own in regard to terrorism. I do not say that this is the real object of the Bill—but it does strike one as odd that you should be insisting, just on the eve of constitutional changes, on a law of this character being made permanent.

I will now come to the part of the Bill which bars the jurisdiction of the High Court under section 491 of the Criminal Procedure Code in cases in which action has been taken under this Act. Strictly speaking, we have no right of *habeas corpus* in India outside the Presidency towns. The remedy provided by section 491 is a remedy in the nature of a writ of *habeas corpus* and not the *habeas corpus* itself. What a court has to do in cases under section 491 is to inquire as to whether the arrest is legal or not? You have a statute here which empowers you to arrest and detain a man without trial. Now, I am not going to argue that that statute is void or *ultra vires*. That argument, in view of the decision of Their Lordships in several cases, is no longer open to us. The position is that

[Pandit Prakash Narain Sapru.]

there is a statute which give you the authority to arrest, and if a prisoner applies for a writ under section 491, all that the court would do would be to inquire whether his arrest is justified under some law or statute, and whether the procedure prescribed in the statute in regard to arrest has been complied with or not. The writ, as I have just shown, would afford hardly any protection to a prisoner who is imprisoned under the Criminal Law Amendment Act. It would not be open to the Court to call any evidence. The statute would be sufficient to justify the arrest. Why do you wish, then, the jurisdiction of the High Court to be taken away in these cases under section 491 ? I confess, Sir, I have not been able to follow this part of the Bill at all, and I must register my strong disapproval of this part also.

Sir, I have very little to add to what I have said already. The issue before the House is whether the Act which empowers the Bengal Government to send detenus out of Bengal should be made permanent or not ? So far as I am concerned, I have no doubt as to what the answer should be. I shall consider it my duty to vote against the measure, whether as a temporary or as a permanent measure, and I have no doubt in my mind as to the correctness of the step I am taking.

With these words, Sir, I oppose the Bill.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : Sir, I rise to oppose the consideration of this measure which I regard as extremely obnoxious and unwarranted, having regard to the conditions obtaining even in Bengal. I have carefully followed the speech which the Honourable the Home Member delivered in the other place on the Motion for the consideration of the Bill and I have listened carefully to the speech made by the Honourable the Home Secretary in moving for consideration here. Sir, I am prepared to accept every statement of fact made therein as correct, and I want you to consider whether having regard to these statements of facts, it is necesary to pass a Bill of this kind ? It is made clear that the anarchist movement has been in existence for the last 30 years. For longer or shorter periods there have been various Acts and repressive measures passed against it. Whenever the Government thought they were bringing the movement under control they surrendered the powers taken. As a result of this surrender we are told that Government have discovered the very great blunder which they committed in giving the anarchist movement a new filip and a new start. The official and non-official Members of the Bengal Legislative Council have grown wiser and have placed permanently on the Statute-book this measure by the overwhelming majority of 61 to 15. Let the Bengal Legislature have the satisfaction of having this Act to adorn their Statute-book. I am not questioning the wisdom of the Bengal Legislature. It is their lookout. But I find from the statements made by the Honourable the Home Member and the Honourable the Home Secretary that by exerting unremitting pressure during the last 18 months the movement has been brought under control in Bengal. It has also been made clear that owing to the senseless attempt on the life of His Excellency the Governor of Bengal public opinion has been awakened. We are also told that the Bengal Government have not been slow to work upon this public opinion and that they are

trying to harness it to make it the foundation for rooting out this anarchist movement. When the anarchist movement has been brought under control and when public opinion is available, is it not proper that the Bengal Government should be told :

" Well, rightly or wrongly, you have made the Bengal Criminal Law Amendment Act a permanent measure. You have got all the necessary powers to weed out anarchism from Bengal. You have also got the support of public opinion. You must now be able to make an honest attempt to stamp out anarchism with the powers available to you now. Why should you approach us to pass a measure of this kind ?"

The facts made out by the Honourable the Home Member in the other place, the Honourable the Home Secretary in this House and the statement of the case for the Bengal Government are enough to condemn their case. We have been told that the very reasons which applied in 1932 would apply today. What was the position in 1932 ? The Bengal Government said in 1932 :

" We cannot have a campaign against terrorism and at the same time take effective measures to segregate the very dangerous type of political suspects from their family and friends and relations ".

They had that difficulty. They could have very well come up to the Government of India and said :

" We cannot be expected to do the two things at one and the same time. Please allow us to send the more dangerous of our detenus to the other provinces. In the meantime we shall wage a ruthless war against terrorism. After we bring the movement under control we may not require this ".

The Act of 1932 was passed under those conditions as a temporary measure. When they have brought the movement under control, is it not right and proper for us to tell them :

" You have had time to put your house in order ; you have had time to bring the movement under control ; it is time for you to take the necessary measures effectively to segregate your political detenus in your own province. How can you ask for accommodation in other provinces ?"

Apart from that, I have got very great objections from the point of view of other provinces. It has been pointed out that it is very difficult in Bengal to prevent these political detenus having communication with people outside or with men in the jail itself. It has also been shown that in remote provinces like Madras, the Bengal detenus were able to communicate with people outside and to hatch a conspiracy. Thus you cannot prevent the very object with which you sent them to other provinces. The only difference by sending them to other provinces will be that instead of hatching a conspiracy in Bengal, they will hatch it in other provinces.

THE HONOURABLE SIR DAVID DEVADOSS : They infect the people inside the jail.

THE HONOURABLE MR. P. C. D. CHARI : Nobody can say that Madras has ever been tainted with anarchism. The moment some of these political detenus were sent there, there was the infection. Fortunately for us, the Madras Government stamped it out.

THE HONOURABLE SIR DAVID DEVADOSS : They infect the people inside the jail. The virus is put into them.

THE HONOURABLE MR. P. C. D. CHARI: The people inside the jail are entitled to some amount of consideration. They may be criminals, but you must take care that they are not infected with this spirit of anarchy and terrorist movement. So, from the point of view of the other provinces, I submit it is not desirable that a provision of this kind should be put on the Statute-book. Speaking as a Member from Burma, it is well known that the people of Burma are extremely excitable. It is very easy to foment open rebellion. Such being the case, why should there be a provision enabling the Government of Bengal to send their prisoners to Burma and thereby infect those extremely excitable people with the virus of the subtle, mysterious and subterranean terrorist activities of the members of the terrorist movement in Bengal? So, Sir, speaking on behalf of Madras and Burma, we do not want this infection spread and we strongly oppose it on that ground in addition to those mentioned by previous speakers. I find some inconsistency in the statements of the Honourable Home Member and Home Secretary. We are told the movement has been brought under control, but at the same time they say the anarchist movement has come to stay in Bengal. Whatever reasons there may be for provinces to provide temporary jail accommodation to help a sister province, if it is a fact that the anarchist movement has definitely come to stay in Bengal, the other provinces may very well turn round to Bengal and say:

"Well, we are very sorry that you have a chronic and incurable disease; we are quite willing to help you to some extent by giving temporary accommodation to your sick men, but we cannot do it for ever".

That is the position of other provinces. (*An Honourable Member:* "Suggest some other remedy.") It is for the Government of Bengal to suggest it and to take necessary measures. This is a trouble which the Government of Bengal have to face. The other provinces which are free from this movement ought not to be saddled with any responsibility and ought not to be exposed to dangers of infection. The Bengal Government has got our sympathy but we have to put our own interests first.

My next objection is this. If a certain section of the people of Bengal are secret supporters of the movement, there may be a reason to curtail the powers of the High Court of Calcutta, but why, I ask, should the sins of the sons of Bengal be visited upon the people of other provinces? Why should the powers of the other High Courts be curtailed because some people in Bengal misbehave? I submit that the provision curtailing the powers of *habeas corpus* of the other High Courts is highly objectionable and stands condemned. The Bill is highly objectionable in other respects, as previous speakers have pointed out. It deals with political suspects who must be presumed to be innocent till they are proved guilty in a competent court of law. The Government of Bengal has been given power to curtail freedom of these men, but is it not enough to curtail their freedom and keep them segregated? Why subject them to banishment at a distance in unsuitable climatic conditions and increase the distance between them and their relations and practically deprive them of the right of interviews with their relations? Why should you enrage those detenus and goad them and their relations to despair? The Government could not do better than enact a permanent measure of this kind if they wanted

to breed revolutionaries and give a fillip to the anarchist movement. The measure is nothing short of an admission of defeatism on the part of the Government and still more a senseless attack of impotent rage against the terrorist movement.

With these words, Sir, I oppose the consideration of the Bill.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Mr. President, my first complaint is that we have been given this Bill only this morning, which contains but two clauses and I do not find on the table of any of the Honourable Members the Acts which we are amending. (*Some Honourable Members:* "I have—from the Library, etc.".) I think, Sir, we ought to be shown this courtesy. We ought to be supplied with a few copies at least of the Acts being amended, otherwise it is difficult for us to follow the debate in this House. However, when I heard the mover of the Motion, he made it clear that under the Bengal Criminal Law Amendment Act, 1934, the Bengal Government has the power of detaining any suspects and that Act they have made permanent, and at present the Government of Bengal is asking the Government of India to give them further power to detain the detenus or dangerous terrorists outside Bengal. The question is should this power be given permanently or for some time? The question is whether the terrorist movement in Bengal has ceased to exist or not? Well, I have heard from every quarter that it has not ceased to exist. Therefore the measure is necessary. Why it is necessary the mover of the Bill has told us. If we detain these dangerous terrorists in Bengal they carry on their intrigues and their nefarious activities and communications with their comrades and spoil others also in jail. Therefore it has been found desirable to send them out. Now the argument that has been urged against this Bill by the Honourable Mr. Kalikar is a double-edged argument. He says these measures have been in existence in Bengal for nearly 30 years, but the movement has not ceased. To that my Honourable friend Nawab Malik Mohammad Hayat Khan Noon replied that we have in the Indian Penal Code various sections dealing with dacoities, robbery and murder, and since those crimes are still existing therefore we should excise those sections from the Penal Code because they have not put a stop to dacoity and murder. Another argument of my Honourable friend Mr. Kalikar was that now that the movement has been brought under control there is, therefore, no necessity for this legislation. My reply to him is that if it is under control because of this legislation the necessity for continuing this legislation is all the greater, so that the offenders may know that there are stringent laws to deal with them.

I heard, Sir, the eloquent speech of my Honourable friend Mr. Sapru and my reply to him is that the Government has itself confessed that they are helpless to deal with these dangerous terrorists under the ordinary law. Therefore they have taken special powers. Therefore in taking those special powers if they have infringed the ordinary procedure of the ordinary law, I do not think we can blame them, Sir. Then, another point that my Honourable friend Mr. Sapru raised was this. He says we are on the eve of the new reforms and law and order is going to be a transferred subject. Well, my Honourable friend knows it is very difficult for the Minister to get through any legislation hereafter. I think it is in the interests of the country that we must at present

[Sir Ghulam Husain Hidayatallah.]

strengthen the hands of our future ministers. If the Legislature to whom they will be responsible, if they do not like any of the enactments, they are welcome to repeal them or to amend them. Sir, to my mind though Government may take this power of dealing with these men permanently, yet that is not the only remedy. This disease in Bengal and in most of the other provinces is not merely political but it is economic. Now, Sir, who is responsible for this terrorist movement ? I might say my English friends. It is their education. What did they teach us, Sir ? Liberty of thought and liberty of action. They have taught the American War of Independence and the French Revolution. Now, when they have taught us all this, they must face the facts as they are and they must meet the aspirations of the people of India. Again, Sir, our educational system is very faulty. Our young boys go to the universities and when they come out there is no employment. Naturally they are human beings ; they want something to live upon. They get into the hands of revolutionaries and they follow their methods. Therefore we must improve our educational system also. We must make our educational system such as to enable them to eke out a livelihood for themselves. Now, Sir, what is the difference between the terrorist and the congressman and the constitutionalist ? The goal of all the three is the same. But the terrorist is employing different methods. He believes in getting self-government for India by violence ; and the congressmen stuck to civil resistance, and that failed. Now, I think it is the duty of the Government to speed up the reforms and strengthen the hands of the constitutionalists ; otherwise what will be the position of the constitutionalists in the eyes of the terrorists ? They will say "Your civil disobedience has failed, your constitutional methods have failed, and the terrorist method is the right method". I am speaking in the interests of Government—they ought to speed up the reforms and give the country what they want.

THE HONOURABLE SAIYID RAZA ALI (United Provinces : Nominated Non-Official) : Sir, at this late hour I do not think I will be justified in making a long speech on the Bill ; but the Bill which has been placed before us being of a very important character I think it is just as well if I offer a few observations. Sir, there is not the least doubt that of all the boons conferred by the British Government on India the greatest boon is the boon of liberty. If we compare the British Government of India with previous Governments the great difference, the overwhelming difference, that we find as distinguishing the two is this, that whereas formerly one's personal liberty was not looked upon as sacred, the present system of government attaches sanctity to the personal safety and personal liberty of a person. Now, anything that narrows that sphere of liberty and that sphere of freedom should certainly be opposed with all our might and main. The difference, however, is that liberty should not be allowed, and no civilised government has ever allowed it, to sink to the level of licence. If, Sir, things in Bengal were normal and there was any proposal to put restrictions on the liberty of the people, I certainly would have been among the first to oppose it. That, however, is not the case today. As a matter of fact, if I may be allowed to say so, a certain amount of confusion of thought appears to prevail on the subject as to what is the exact nature of the Bill that is before us. As one who has studied the former Acts with which the present Bill has anything to do, whether they were passed by this Council or

by the Legislative Council of Bengal, I can say that there is no measure before us which proposes to put any restrictions on the liberty of any section of the people of Bengal. Unfortunately, it seems to have been taken for granted by some speakers that the measure before us is of a repressive nature. Now, that is not the case. No doubt Act VII of 1934 which was passed by the Bengal Legislative Council contains provisions that put very considerable restrictions on the liberty of the people. That measure was passed by the Bengal Legislative Council in March last and the only thing that we are being asked to do now is to agree to a number of people who have been interned under the Act of 1932 in Bengal being sent to various provinces in India. That is the only question before us, namely, that if we do not agree to the Bill that is before us, the net result will be that after April, 1935 it will no longer be open to the Government of India to maintain any camp at Deoli or in any other province, with the result that those people, about 500 in number, I believe, who are at Deoli will have to be sent back to Bengal, or if the Government of Bengal fail to make provision for their stay they will have to be released. That is the only thing that we are asked to consider.

Now, Sir, my submission is that our task is very light, namely, the only thing that is before us being of the simple nature I have explained, I do not think we need take very considerable time in considering the question. In this connection, we might also consider that the plea which the Government of Bengal has raised why we should receive these detenus, action against whom has been taken in Bengal, is this. They say that the essence of the whole action that is being taken against the terrorists by Government is effective segregation, namely, those people who are arrested should not be allowed to have any communication with the people outside. They say it is not possible to secure effective segregation in Bengal and therefore if these people are sent to other provinces which had no special facilities of communication with Bengal, then the activities of these persons, against whom action has been taken, will be limited and the epidemic will be segregated. Now, Sir, it seems that that plea is quite good so far as it goes. After all, the best judges in the matter are the Government of Bengal on the question whether they can maintain an effective segregation or not. If they can not, I for one do not see any reason why we, the other provinces, should not help the people and Government of Bengal. I may admit at once that a certain amount of inconvenience and discomfort attaches to a man who is forced to leave his own province and made to live in another province. There is the matter of food, of society, of climate. All these are considerations which certainly lend colour to the view that it is hard for a man to be sent to another province. All the same, Sir, if a proper case is made out, these steps have to be taken against these individuals. In this connection, I might illustrate as to what happens in courts of law in cases where an accused is charged with a non-bailable offence. If it is explained to the court to its satisfaction that if the accused is let out on bail it would lead to the accused by means of force or show of force getting at prosecution witnesses, that always is considered good ground for not admitting the accused to bail. Well, similarly, in the absence of anything to the contrary, these men could have stayed in Bengal. But if their activities are such that it is impossible to prevent them communicating with their political associates, that is a good ground for their being put to additional inconvenience and sent out to other provinces.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Well, if that procedure as is followed in the case of non-bailable offences referred to by my Honourable friend is followed I will be satisfied with that.

THE HONOURABLE SAIYID RAZA ALI: As I have explained, Sir, on the analogy of this principle, there is sufficient justification for putting these men to the inconvenience of sending them to other provinces, just as a man is not admitted to bail because of certain apprehended activities which are held objectionable. That is the point of analogy. I have made that clear.

Sir, on the main question, I do not think I need say much. As a matter of fact, these young men are misguided. They are very unfortunate young men and it should be the duty of all patriotic Indians to reclaim them. They have according to their own lights taken a short cut to liberty and freedom, namely, they have resorted to terrorism by use of the bomb and the pistol. That is most unfortunate. We know what these misguided young men mean. They think that this is the shortest cut and that by this means they can frighten the British Government and force them into giving India what the terrorist want. I need hardly say that they are very much mistaken. That is not the way to secure self-government. We should do all we can, though Members of this Council can do I am afraid, very little, but surely it ought to be the duty of all of us to explain matters to these young men and to make them see the error of their ways. As has been explained by some of my Honourable friends earlier in the day, the position really is the result of so many forces working in one particular direction. There is the economic question. There is the question of these men being conscious of not getting the rights which they think they should have as sons of the soil. Added to that there is the question of want of careers. A number of our young men are also suffering from the effects of bad education imparted in our schools. The net result is that our young men are lost in this tangle. I must make it quite clear to Government that, while we consider that it is our duty to strengthen the hands of Government and enable them to do all they can to maintain law and order it is at the same time the duty of Government, as my Honourable friend Sir Ghulam Husain Hidayatallah pointed out, to speed up reform and what is more than that to take as early steps as possible to improve the economic condition of the people. I know, Sir, that that is a question with which not only the Government of this country is faced but which is staring in the face of every civilised Government today in the world.

THE HONOURABLE MR. BIJAY KUMAR BASU: It is easier to speed up reforms than to give economic relief.

THE HONOURABLE SAIYID RAZA ALI: I say do both. Speed up reform. That you can certainly do and you ought to do it at a very early date. At the same time, do find means to improve the economic condition of the people. Without that it will be impossible for these misguided young men to see the error of their ways and to give up their present unfortunate and deplorable activities.

Sir, I support the Motion.

The Council then adjourned till Half Past Ten of the Clock on Saturday, the 18th August, 1934.

COUNCIL OF STATE.

Saturday, 18th August, 1934.

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

QUESTIONS AND ANSWERS.

PROTECTION TO MINOR INDUSTRIES, INCLUDING THE PUMP MANUFACTURING INDUSTRY, AGAINST COMPETITION FROM JAPAN.

100. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Will Government be pleased to state:

(1) Have Government considered the question of giving protection to smaller industries under the Safeguarding of Industries Act?

(2) Is the attention of Government drawn to the severe competition the pump manufacturers are getting from Japan?

THE HONOURABLE MR. D. G. MITCHELL: (1) Yes, Sir, but relief, where necessary, was afforded under the Indian Tariff (Amendment) Act, 1934.

(2) Government have received a representation from the Pump Manufacturers to this effect, and this is under consideration.

APPOINTMENT OF MUSLIMS AS MEMBERS OF EXECUTIVE COUNCIL IN CERTAIN PROVINCES.

101. THE HONOURABLE MR. HOSSAIN IMAM: (1) Is it a fact that in the following provinces, *i.e.*, United Provinces, Bombay, Madras and Assam, up to the end of last year there was a Muslim member of Executive Council of the Governor ever since the year 1921? If not, what is the fact?

(2) Is it a fact that in the ten Governors' provinces of India there is only one Muslim Executive Councillor in Bengal; and none in the remaining nine provinces of India now?

THE HONOURABLE MR. M. G. HALLETT: (1) The facts are as stated by the Honourable Member except that in Bombay there was no Muslim Member from January, 1926 to June, 1928, and in the United Provinces there has been no Muslim Member since 7th April, 1933.

(2) There are at present two Muslim Members of Executive Councils in the provinces one in Bengal, and one who is on leave in the Punjab.

RECRUITMENT OF MUSLIM JUDGES IN THE MADRAS HIGH COURT.

102. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that in the Madras High Court for the last sixteen years there has been no Muslim Judge? What are the minimum qualifications for this post?

THE HONOURABLE MR. M. G. HALLETT: As regards the first part of the question I would refer the Honourable Member to the answer given to part (2) of his question No. 154 in this House on the 29th November, 1932. As stated there one Muslim Judge retired from the Madras High Court in 1921. As regards the second part 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, sub-section (3) of which lays down the qualifications of a judge.

NEW RULES ABOUT COMMUNAL REPRESENTATION IN THE SERVICES.

103. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government kindly specify what are the minority communities other than Muslims for whom $8\frac{1}{4}$ per cent. has been reserved in the Home Department Notification on Services?

(*b*) Will Government kindly lay on the table the quotas they have fixed for local recruitment of Muslims in different areas for the following services: Posts and Telegraphs, Income-tax, Customs and Excise?

(*c*) Will Government please state the date from which the appointments will be made under the Notification?

THE HONOURABLE MR. M. G. HALLETT: (*a*) Ordinarily Sikhs, Anglo-Indians, Indian Christians and Parsis.

(*b*) Rules for local recruitment to the departments mentioned have not yet been framed; the matter is receiving attention.

(*c*) The Resolution in question will be applied in practice at the earliest possible date.

RELEASE OF PRISONERS CONVICTED OF OFFENCES CONNECTED WITH THE CIVIL DISOBEDIENCE MOVEMENT.

104. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will Government be pleased to state the number of prisoners convicted under sections 124A and 153A of the Indian Penal Code who have been released since Government announced its policy of expediting the release of civil disobedience prisoners?

THE HONOURABLE MR. M. G. HALLETT: I regret I have no information how many or in fact whether any persons convicted under sections 124-A and 153-A, Indian Penal Code, have been prematurely released in accordance with the policy of expediting release of persons convicted of offences connected with the civil disobedience movement.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Honourable Member get this information?

THE HONOURABLE THE PRESIDENT: You must always ask the Chair's permission before putting any supplementary question.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I ask your permission, Sir?

THE HONOURABLE THE PRESIDENT: Yes.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Honourable the Home Secretary be pleased to get this information for us?

THE HONOURABLE MR. M. G. HALLETT: I can obtain the information if the Honourable Member presses for it.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Yes, I do.

RED SHIRT ORGANIZATION.

105. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (1) Is it a fact that Government during the continuance of the civil disobedience movement regarded the Red Shirt organization as being not distinct from the Congress organization?

(2) If the answer to the above question is in the affirmative, will Government be pleased to state the grounds on which Government has refused to release the Red Shirt prisoners?

THE HONOURABLE MR. M. G. HALLETT: (1) I repeat what I said in reply to supplementary questions on August 8th and invite the Honourable Member's attention to the statements which were issued by the Chief Commissioner of the North-West Frontier Province on the 24th December, 1931 and the 28th December, 1931, copies of which I have made available to Honourable Members in the Library. The details therein given of the activities of the Red Shirt organization go to prove the correctness of the statement made by Government in the communiqué of June 6th of this year that it is a revolutionary organization distinct from Congress, though working more or less in close association with its objects.

(2) Does not arise.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I ask a supplementary question, Sir? What are the activities of the Red Shirt organization which the Government regard as revolutionary?

THE HONOURABLE MR. M. G. HALLETT: That question can be answered in detail by a study of the statements which I have made available in the Library. The movement was one for the removal of the British Government by the use of force and violence.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: How many of the Red Shirt prisoners have been convicted by a court of law for revolutionary activities?

THE HONOURABLE MR. M. G. HALLETT: I must ask for notice of that question.

NUMBER OF RED SHIRT PRISONERS CONVICTED OF OFFENCES INVOLVING VIOLENCE.

106. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (1) Will Government be pleased to state the number of Red Shirt prisoners, if any, convicted by a court of law of offences involving violence?

(2) Will Government state whether the Red Shirt organization has ever pursued a policy which is in conflict with the declared policy of the Congress during the civil disobedience movement and since its cessation ?

(3) Is Government aware that its decision not to remove the ban on the Red Shirt organization and not to release the Red Shirt prisoners has caused great disappointment in the country ?

THE HONOURABLE MR. M. G. HALLETT: (1) I am asking the Local Government whether this information can be supplied without undue labour ; if they can supply the detailed information required, I will lay it on the table of the House.

(2) I would refer the Honourable Member to the answer I have just given to part (*a*) of his preceding question.

(3) It has possibly caused disappointment in certain quarters. I would add that in the North-West Frontier Province itself the policy has provoked little or no comment and is felt to be justified.

RED SHIRT ORGANIZATION.

107. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Is Government aware that responsible leaders of the Red Shirt organization have dissociated themselves from violence and affirmed their firm belief in non-violence ?

THE HONOURABLE MR. M. G. HALLETT: No. The statement to which I have already referred in reply to the Honourable Member's previous questions will show that the Red Shirts were employing violent methods.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: May I ask a supplementary question, Sir ? My question is, " Is Government aware that responsible leaders of the Red Shirt organization have dissociated themselves from violence ? " I have not had an answer to that question.

THE HONOURABLE MR. M. G. HALLETT : The answer will be found in the various statements to which I have referred.

RELEASE OF KHAN ABDUL GHAFFAR KHAN AND PANDIT JAWAHARLAL NEHRU.

108. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is Government aware that there is widespread disappointment in the country for the decision of Government not to release Khan Abdul Ghaffar Khan and Pandit Jawaharlal Nehru ?

THE HONOURABLE MR. M. G. HALLETT: There may be disappointment in certain quarters.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will the Honourable the Home Secretary indicate those quarters ?

THE HONOURABLE MR. M. G. HALLETT: It is I think obvious to the Honourable Member what those quarters are.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: If you refer to me, it has certainly caused disappointment in me.

RECOGNITION OF THE PROVIDENT FUND OF THE BENARES HINDU UNIVERSITY.

109. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (1) Has the Benares Hindu University sent a representation through the Government of the United Provinces asking for the recognition of the Provident Fund instituted by the University under section 16A of Act XVI of 1915 as amended by Act XXIX of 1930, for the purpose of securing its exemption from income-tax and surcharge under section 8, clause 3 of the Provident Funds Act of 1925 ?

(2) Will Government be pleased to state what action it has taken in the matter ?

(3) Is it a fact that the Provident Funds instituted by the Aligarh, Allahabad, Lucknow and other Universities have been recognised by the Government and the Commissioner of Income tax for the purpose of exemption from income-tax and surcharge ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (1) to (3). The attention of the Honourable Member is invited to the reply given to question No. 141 asked in this House on the 5th September, 1933. The rules relating to the Provident Fund of Benares Hindu University have been referred back for revision in conformity with the provisions of the Provident Funds Act, 1925. The Government of India are awaiting the final rules from the University authorities.

GRANTS TO THE BENARES HINDU UNIVERSITY AND THE ALIGARH MUSLIM UNIVERSITY.

110. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: (1) Will Government be pleased to state what grant-in-aid has been given during the year 1933-34 (*a*) to the Benares Hindu University, (*b*) to the Aligarh Muslim University, and (*c*) the amount of grant proposed to be given to each of them during the year 1934-35 ?

(2) Will Government be pleased to state the number of students on the roll of the Benares Hindu University and the number of students on the roll of the Aligarh Muslim University during the years 1933-34 and 1934-35 and the average cost of teaching and instruction in those Universities separately per student ?

(3) Will Government be pleased to state the number and subjects of the departments of teaching in the Benares Hindu University and the number and subjects of the departments of teaching in the Aligarh Muslim University during the said years ?

(4) Is there any difference in the amount of the grant given to each of the said two Universities ? If so, what are the reasons for such differentiation ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (1) Both Universities received from central revenues in 1933-34 the normal grant of Rs. 3 lakhs, *minus* the 10 per cent. cut. An *ad hoc* grant of Rs. 15,000 was also given to the Muslim University, Aligarh. The amounts included in the current year's budget are Rs. 3 lakhs, *minus* the 10 per cent. cut in each case

(2) A statement giving the number of students is laid on the table. The information asked for in the latter part of the question is not available.

(3) I would refer the Honourable Member to the Handbook of Indian Universities, 1934, a copy of which is available in the Library of the House.

(4) The grants given to the two Universities were identical in 1933-34 except for the *ad hoc* grant to the Muslim University, Aligarh. The main reason for awarding this special grant was that, though the University had taken effective steps in the direction of retrenchment, it had been unable to balance its budget, mainly owing to certain forms of expenditure which had been undertaken in accordance with the recommendations of the Rahimtoola Committee.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I put a supplementary question, Sir? Will the Government be pleased to state why was the 5 per cent. cut when restored to the salaries of officials not restored in the case of these Universities?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Before I can answer that question I will have to consult the Finance Department.

Statement showing the number of students on the rolls of the Benares Hindu and Aligarh Muslim Universities during the years 1933-34 and 1934-35.

Name of University.	*Number of students on rolls during 1933-34.*	*1934-35.*
Benares Hindu University	3,492	3,611
Aligarh Muslim University	1,141	1,203

TEN PER CENT. CUT IN THE GRANT TO THE BENARES HINDU UNIVERSITY.

111. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will Government be pleased to state why a cut of 10 per cent. was made from the grant made to the Benares Hindu University for 1933-34?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The 10 per cent. cut in the grant to Benares Hindu University for 1933-34 was the result of the normal cut in the expenditure of the Central Government for that year.

SPECIAL GRANTS TO THE BENARES HINDU UNIVERSITY.

112. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Has Government considered the claims of the Benares Hindu University to special grants?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Special grants amounting to a total of Rs. 21,27,000 have been made by the Government of India from time to time to Benares University. In particular, in 1929 a capital grant of Rs. 15 lakhs to Benares Hindu University was sanctioned and subsequently paid in three instalments; and the recurring grant was enhanced from Rs. 1¼ lakhs to Rs. 3 lakhs, subject to the temporary 10 per cent. cut as from 1932-33. This assistance has been given with due regard to the educational activities of the University.

AMOUNT REALISED ON ACCOUNT OF THE ADDITIONAL PETROL DUTY.

113. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state:

(*a*) Amount realised on account of the additional petrol duty for road construction purposes during the years 1932-33 and 1933-34?

(*b*) Amounts contributed by the City of Bombay towards this duty during the above periods?

(*c*) Whether the Bombay Municipal Corporation has made a representation asking for a share in the proceeds of this duty? If so, what action has been taken in the matter?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) A little over one crore of rupees each year.

(*b*) Government have no information; the consumption of petrol is recorded by provinces, and we have no separate figures for Bombay City.

(*c*) Government understand that some representation has been made by the Corporation to the Local Government. The latter have not addressed the Government of India on the subject.

AMOUNT OF CONTRIBUTIONS MADE BY THE CITY OF BOMBAY TOWARDS IMPERIAL AND PROVINCIAL REVENUES.

114. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state:

(*a*) Amount of the contributions towards the provincial and imperial exchequers by way of taxes, duties and fees made by the City of Bombay?

(*b*) Incidence of municipal taxation in the City of Bombay?

(*c*) Help, if any, rendered to the taxpayers of the City of Bombay by way of relief against their heavy contributions towards the provincial and imperial exchequers?

THE HONOURABLE SIR ALAN PARSONS: (*a*) and (*c*). I regret that the information is not procurable.

(*b*) I understand that it was Rs. 23-2-0 per head in 1931-32. More recent information is not available.

BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The debate will now be resumed on the Bengal Criminal Law Amendment Supplementary (Extending) Bill.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, the Honourable Mr. Hallett in moving for consideration two days ago the Bill which is now before the House made a very able and lucid speech, explaining to the House the views of Government. Many of the points he dealt with in a very convincing manner, but so far as the

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question of making this Act permanent is concerned, I am afraid his arguments did not appeal to many of us on this side of the House as sufficiently convincing. Government evidently propose to make this Act permanent because the parent Act, to which this is supplementary, has already been made permanent. If so, I submit that Gove nment are not acting wisely, nor have they acted and are acting in their own interests by having made the parent Act permanent and by now endeavouring to make the supplementary Act permanent likewise. The Honourable Mr. Hallett told us that temporary measures have failed so far because they induce the terrorists to keep up the fight and bide their time. Do Government honestly believe that if they made this Act permanent the terrorists will desist from their nefarious methods? Most assuredly not. Again, on the contrary, I think that if such an Act is not made permanent it would give a chance, to at least some of them, to relent and mend their ways. We know that the majority of the men who are detained are young and misguided. It is therefore the duty of Government to adopt ways and means whereby they may succeed in weaning these men from their purpose. They can only do so by making this measure a temporary one and by no means a permanent one. Is it not possible I ask that some of these detenus after they have been confined for a number of years would see the error of their ways, give up terrorism and become law-abiding citizens?

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that we are now discussing the general principles of the Bill. Your references to the permanency of the Bill will be more appropriate when the amendment comes up.

THE HONOURABLE SIR PHIROZE SETHNA: If you permit me to speak on that now I shall not have the necessity to speak on the amendment.

THE HONOURABLE THE PRESIDENT: At this stage I prefer not to allow amendments to be anticipated. Certainly you can make some observations with regard to it generally.

THE HONOURABLE SIR PHIROZE SETHNA: That is all that I propose to do, Sir. The Honourable Mr. Hallett in the course of his remarks observed that if this Bill is made permanent there is nothing to prevent it from being repealed or amended later, and my friend the Honourable Mr. Basu supported him in that contention. My point is that that is exactly the reason why this Act should not be made permanent. If Government know that an Act like this, if made permanent, can be repealed, then why make it permanent? Why not resort to the other method of renewing it for a certain number of years, say, three or five or even seven, and thereafter if necessary renew it for another period of years or drop it if the situation is very considerably improved. Mr. Basu went further and quoted the well-known dictum that nothing can be said to be settled unless it is settled right. I ask, therefore, is it not better in Government's own interest to have this Act renewed for a term of years rather than to have it made permanent now and have it repealed later on? If this Bill were only for renewing the Act for a fixed period I am sure it would meet with the unanimous acceptance of this House.

Government know that the Congress has given up civil disobedience. They now want to enter the Councils in large numbers. They expect to have majorities everywhere. Suppose they succeed, we know that it is part of their creed to get these laws, which they call repressive, repealed. Speaking for myself I will say that I do not regard such laws as repressive. It is an Act necessary to check the growth of the evil of terrorism in this country. But if the Congress candidates are in a majority in the Councils and they move for the repeal of this Act and succeed, what will be the position of Government? Either they will have to accept the proposal as passed, or the Governor General by virtue of his powers of veto will veto such a measure. This will place the Government and particularly the Governor General in an awkward position. I am sure no Governor General likes to exercise his power of veto oftener than he can help. Consequently, to save the Government and the Governor General from this awkward position Government will do the right thing if they do not make this measure permanent but only renew it for, say, a period of three years. If it is so renewed even the Congress members, if they are in a majority, knowing that the Act will run out after a certain time will not move for its repeal. Further, even at the end of that time, if terrorism still continues, I hold that even Congress members will think better of it and will support Government in any measure they may bring forward for renewing these powers. I would ask Government therefore to make a gesture in this connection. They have already made a gesture in another connection. When the civil disobedience movement was called off, Government released civil disobedience prisoners. They numbered at one time somewhere between 13,000 to 14,000 and that number is now reduced to only 300 or 400. If a similar gesture is made now, namely, if the Act is extended for another three years, I am sure it will satisfy the country and every individual Member of this House.

The Honourable Mr. Hallett used the expression "this abnormal method". I think he referred to the method of making such an Act permanent——

THE HONOURABLE MR. M. G. HALLETT: I was referring to the fact of putting under detention without formal trial, not to the question of duration.

THE HONOURABLE SIR PHIROZE SETHNA: I stand corrected. Mr. Hallett in concluding his speech drew pointed attention to three arguments which, in the opinion of Government, support them in the making of this Act permanent. The first is that the Bengal Government made the parent Act permanent, and in the Bengal Council the majority was as large as 63 to 15. I certainly admit the majority was large. But there may be other reasons, of which we are not cognisant, to account for such a large majority in Bengal, where ordinarily we do not expect in such cases at least such large majorities and it may be that such reasons may not exist hereafter. The Honourable Mr. Hallett's second reason was that we cannot afford to be unduly optimistic, for we have not yet seen the end of terrorism and if Government relax their efforts, this monster will show its head again and make the position much worse. I say, Sir, if you do so, namely, make the Act permanent, you remove what little chance there is of improving the mentality of at least some of these terrorists. The third reason given by the Honourable Mr. Hallett is that making the Act permanent will have "a deterrent effect", and I repeat that you cannot make it deterrent for the reasons I have already

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explained. Whilst the Honourable Mr. Hallett said that the measure will prove a deterrent one, in the next sentence or two he observed that there are "hopeful signs of improvement". If there are hopeful signs of improvement, then there is greater reason for Government to adopt a conciliatory policy. Instead of alleviating, Government will simply aggravate the situation in the country and thereby harm their own interests.

Now, Sir, I turn to another subject, namely, the position in regard to the place of detention. The Act does not concern itself with the fact of detention, but with the place of detention; and yet my Honourable friends, Mr. Kalikar and Mr. Sapru, dealt with the fact of detention as well, to which the Honourable Mr. Hallett replied at length. The Honourable Mr. Kalikar found fault with the procedure and the Honourable Mr. Hallett explained what has exactly happened. He pointed out that as far back as 1915 two High Court Judges, Justice Beachcroft of Calcutta and Justice Chandavarkar of Bombay, were entrusted with the task of examining the case of every individual detenu at that date and I believe the report was published in 1917 according to what the Honourable Mr. Hallett said. There were 806 detenus then. These Judges found that detention was justified in the case of 800. If there was any doubt it was only in the case of six. Therefore Government have tried to meet this very difficult situation in as satisfactory a manner as they possibly can. My Honourable friend Mr. Sapru pointed out that people are arrested merely on suspicion and detained and without the semblance of a trial. Again, the Honourable Mr. Hallett explained the procedure which is followed today, namely, that all papers in connection with every individual case are submitted to two officers of the rank of Sessions Judge and it is only if they are satisfied that a man is detained and not before. That should be regarded as fairly satisfactory. My Honourable friend Mr. Sapru however was not satisfied and he wanted to know whether the material on which a suspect is charged is placed before him to which the Honourable Mr. Hallett replied that he was given the opportunity of answering questions. The Honourable Mr. Sapru observed that evidence should be taken. I am afraid I do not agree with him, for the very good reason that we know from past experience that approvers or witnesses if they come forward and give evidence against the suspects their lives will not be worth a day's purchase. Consequently, I would say that Government are trying to meet the case as best as they can, and are following the recommendation made in this connection by the Rowlatt Committee. The Rowlatt Committee in paragraph 191 of their Report say:

"The duty of the investigating authority will be to enquire *in camera* upon any materials which they may think fit and without being bound by rules of evidence. They would send for the person and tell him what is alleged against him and investigate the matter as fairly and adequately as possible in the manner of a domestic tribunal. It would not be necessary to disclose the sources of information, if that would be objectionable from the point of view of other persons. No advocates would be allowed on either side or witness formally examined, nor need the person whose case is under investigation be present during all the inquiry".

The Honourable Mr. Hallett's explanation coincides entirely with the recommendation made in this section of the Report of the Rowlatt Committee; but I am afraid that there are two other recommendations also made by the

Rowlatt Committee which as far as I know are not given effect to by Government, and I shall be glad if the Honourable Mr. Hallett in the course of his reply explains why they have not been given effect to. The second recommendation to which I refer is to be found in paragraph 193, wherein it is said:

"For an inquiry in a judicial spirit into facts knowledge and experience are the requisites. It has been suggested to us that the judicial the executive and the non-official elements should be represented upon the body or bodies in question. Having indicated the functions which we recommend for the investigating authority, we do not feel that we are driven to give our views as to its exact composition. But we think we may say as based upon the experience gained in the course of our labours that one member should be a non-official Indian selected for his knowledge of the people".

I may be wrong, Sir, but so far as I know in no single instance of these investigating authorities have they included a non-official Indian. His presence there is necessary in the interest of Government themselves. In his absence the public have not enough confidence in the methods adopted by Government. Let me quote only one instance, that of Mr. Sarat Chandra Bose. Mr. Sarat Chandra Bose is known to have had a very large practice in the Calcutta High Court, a practice which brought him an income it is believed of anything between Rs. 10,000 to Rs. 20,000 a month. He was engaged on one side in a case in one of the mofussil towns of Bengal and the Honourable the present Law Member was on the opposite side. Immediately after the case was over, Mr. Sarat Chandra Bose was clapped by the police and he has since been in detention now for more than two years and Government has never disclosed the reasons of his detention. Surely, Mr. President, in the case of a man in his position the public cannot possibly believe and do not believe that he could have done anything to risk his position, a man with his income, a man who had everything to lose if he associated himself with any revolutionary movement. If there were a non-official member amongst the authorities who investigated his case and if he also sided with the two others, Government could point out to the public "Here is your non-official member who has agreed" and the public certainly would have some confidence in the views expressed by that non-official Indian and they would not be so bitter against Government as they undoubtedly are and they would not be so bitter against Government as they undoubtedly are in this case. I think therefore that associating a non-official Indian in these investigations is absolutely necessary if Government want their action to be approved by the public at large.

The one other recommendation which Government has likewise not followed appears in paragraph 189 of the Report. This paragraph says:

"But while we feel bound to formulate such a scheme (a scheme of investigating authorities), we think that the whole of it must be subject to the observance of four main principles".

I will not trouble the House with the first three, but I will only quote the last of these four principles which is as follows:

"The order must be made for a limited time only (say, not exceeding a year) and must be renewable only by a new order (not necessarily a new inquiry) reciting that the renewal is necessary in the interests of public security".

May I ask Government whether this recommendation is adhered to and, if not, why not? And if it has not been adhered to, will not Government again in their own interests adopt this recommendation in the future? I do hope that they will think it advisable to do so for I contend it will help them more

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than the public. Mr. President it ought to be the endeavour of Government to do all they can to appease the public mind.

May I again refer to the matter of suspects being detained for indefinite periods in different places like Deoli and elsewhere. I will repeat that you do not give them the opportunity of improving. I do not know any of the detenus personally nor anything about them, and yet I believe that some detenus may have been released and perhaps turned over a new leaf altogether. Perhaps the Honourable Mr. Hallett may be able to enlighten us on that point? But whether any detenus have turned over a new leaf or not, I propose to give to the Council an instance not of a detenu but of a terrorist who has turned over a new leaf altogether. I refer to the case of Birendra Kumar Ghose, the brother of Arabindo Ghose. He was recognised as one of the leading terrorists of his day if not the foremost. He was transported for life; and after serving his time he has come back and the man who was at one time the greatest protagonist of terrorism is today the bitterest opponent of terrorism. That is a lesson for Government and they must be aware of the facts I have stated. There would be many more who would be so converted if only Government would give them the chance, which Government will not do by making this Act permanent.

I shall now turn to another point. The removal of these detenus to Deoli has been stoutly opposed by some of my Honourable friends. Bengal is a large province, larger perhaps than some of the countries on the Continent of Europe. In those countries of Europe they have revolutionaries, but they would never dream of sending them out of the country. I say Bengal is a very large province. You might find distant places where they might be segregated. Government say that the Bengal Government is not able to cope with the two tasks, namely, of waging a campaign against the terrorists and at the same time segregating in Bengal itself so many of these dangerous men. But we find from what has been said by Members of this House that even those Bengal detenus who were sent off to Madras were able to communicate with the outside world.

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THE HONOURABLE MR. M. G. HALLETT: They were able to communicate with other prisoners in the jail, not with the outside world.

THE HONOURABLE SIR PHIROZE SETHNA: I thank the Honourable Member for the correction. I understood the Honourable Mr. Chari to say that they were able to communicate with the outside world. May I know from the Honourable Mr. Hallett if the reports in the press are correct that similarly these Bengal detenus have also been able to communicate with their friends from Deoli?

THE HONOURABLE MR. M. G. HALLETT: In an authorised manner and through the authorised channels. I cannot recollect any case of unauthorised communication which has come to my knowledge.

THE HONOURABLE SIR PHIROZE SETHNA: Any way, Sir, they are able to communicate, whether clandestinely or otherwise, and they will do so whether they are in Bengal or Deoli or anywhere. If Government can afford to keep them in some distant part of Bengal they would do so. But I find, I will readily admit, from the explanation given by the Honourable Mr. Hallett that these detenus are perhaps better treated at Deoli on account of the facilities afforded them than they would be in prisons in Bengal.

THE HONOURABLE THE PRESIDENT: You will admit that in Bengal, detenus are more likely to contaminate their brethren than in other parts of the country?

THE HONOURABLE SIR PHIROZE SETHNA: I cannot understand how unless they are allowed to communicate with the outside world, either through the regular channels or clandestinely. However there may be a certain degree of contagion but I do not wish to labour this point and so far as I am concerned I am satisfied with the Honourable Mr. Hallett's explanation and I do believe that detenus are better off in Deoli as regards personal comforts than they may be anywhere in Bengal either in camps or in prisons. The Honourable Mr. Hallett has told us that Government cannot carry the climate of Bengal to Deoli. This is quite true, but Government are affording other facilities to detenus in Deoli which they cannot secure in Bengal proper.

I should like to assure the Government Benches before I resume my seat that there is no one in this House and I am sure there is no sane person in the country who will not be ready to come forward to support Government in any reasonable measures they bring forward to check terrorism and anarchy in the country. I admit if we do so, we do it as much in the interests of Government as in our own interests. Today terrorism is aimed mostly at Europeans. I know there have been a few Indian victims, mostly police officers, but tomorrow it may extend to non-official Indians. Terrorism must needs be stamped out. I say, adopt measures which will appeal to the public. If this measure was renewed only for a period of three or five years every one in this House and in the country at large would willingly support Government. If Government do not see their way to do so, I regret not only will we find it necessary to oppose the Government but we predict that the situation in the country may become far worse than it is today. In conclusion, I will say that I approve of the principle of the Bill but with the reservation that it is restricted to a fixed period of years and it may of course be renewed if there is no return to normality at the end of that period.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, the present Bill is intended to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act of 1932. So far as I remember, Sir, the occasion which gave rise to the passing of that Act was the murderous attack on the Editor of the *Statesman*, Calcutta, Sir Alfred Watson, whose hairbreadth escape from the hands of his assailant was simply providential. Prior to that there had been a merciless massacre of the harmless social gathering of Europeans and Anglo-Indians at the Railway Institute at Pahartali. Besides these, there had been several individual attacks on the lives of various European officials, as well as non-officials, with varying results. In short, the year 1932, and a little before, was the period of anarchy and disorder in Bengal, so much so that no law-abiding and peace-loving individual in the country could consider himself safe from the same kind of murderous outrages. Every law-abiding and peace-loving citizen of India was ashamed of these

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dastardly attacks on the lives of innocent and unconscious persons, and there was a general condemnation of such crimes throughout the length and breadth of country. This state of insecurity has been responsible for the passing of the Bengal Criminal Law Amendment Act in 1932, with a stipulated period of three years' duration which, so far as I understand, will expire in April, 1935.

I am afraid, Sir, the circumstances which gave rise to the passing of this Act still hold good at the present moment. After the lapse of two years there are no evident signs of any relaxation in the terrorist movement in Bengal. It is the same as it was in the year 1932. The passing of the Act has to some degree given the Government gradual control of the movement, but it can hardly be said that it has been suppressed *in toto*. I am afraid the spirit of conspiracy is still alive and active and as proof of it I may remind the House that only this year there have been two attempts at murderous outrages. The one at Chittagong when a party of four young men attacked a gathering of Europeans, consisting of men, women and children watching a cricket match and the other most deplorable attack on the life of His Excellency the Governor of Bengal. Both the attacks were made with the deliberate intention of massacre, although we have to thank Providence that there was no actual loss of life in any case. Are not these happenings glaring examples of the fact that the spirit of conspiracy and terrorism is yet alive and active in Bengal? This spirit, Sir, is not of recent origin. It has been going on for nearly 30 years. The temporary nature of the measures to meet it is chiefly responsible for the keeping alive of this spirit. The terrorists have been encouraged to renew their activities after the lapse of a limited duration of temporary measures against them. There had been a mistake in surrendering the powers each time on the assumption that the movement had come under control, with the result that each time it burst forth with renewed vigour. Experience is the best teacher and what the Government has to learn in this matter is the lesson that powers enjoyed by the Bengal Criminal Law Amendment (Supplementary) Act of 1932, should not be given up at this juncture, but that they should be continued until this dangerous movement is completely up-rooted.

As to the remarks made by my Honourable friends, Sir Ghulam Husain Hidayatallah and Saiyid Raza Ali, I beg to point out, with your permission, Sir, that we read in English daily magazines astonishing cases of burglary. Then, according to my Honourable friend, Sir Ghulam Husain Hidayatallah, every one of us should become a burglar. Well, Sir, reading a thing is a different matter from acting on it. I think I have a tremendous lot of books on agnosticism. It does not follow that I am an agnostic because I read books on agnosticism. Secondly, we read and we see very different things happening in western society, but we do not imitate them in our own. For a Mussalman the safest guide in the world is *Shariat* or the Muhammadan Law. If anything is against that law we would not follow it but if anything is in accordance with it every Mussalman is bound to follow it. The saying of Hazrat Muhammad to go and seek knowledge up to the extreme ends of this world does not mean that in learning Greek philosophy or the

paganism of Rome, Muhammadans should imitate them but that they should use their discretion and admit that what comes under the dictates of Muhammadan Law and not recognise that which is contrary to the *Shariat*.

My Honourable friend may have read only one book on the American War of Independence but I have read all the possible literature on the French Revolution, on the liberation of Italy by Garibaldi and his Red Shirts and have closely studied Mazzini, Voltaire and Rousseau.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): May I interrupt, Sir? At what age did he read them?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I am getting on to 55, and I commenced reading these books from the age of 16. If you care to see my books, you will find them all pencil marked and with my notes on each page.

But my deduction of their total works amounts to this that they want to establish equality, liberty, fraternity and humanity. Well, Sir, these ideas may have been new things to Europeans, but we Mussalmans inherited them from the teachings of Hazrat Muhammad when he proclaimed himself the last Prophet of the world, and all the European writers have taken these ideas from Islam as I have very fully illustrated in my Presidential speech delivered on the 29th May at the Anjuman-i-Hemayatul-Islam Anniversary under the heading "Islamic Influences on Europe". If my friend has any doubts, he should send for that speech and read it. If he will take the trouble to read that printed speech of mine, he will be convinced that what I say is correct——

THE HONOURABLE THE PRESIDENT: Order, order. Will you proceed with your speech?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: As regards the Honourable Saiyid Raza Ali's contention regarding the speeding up of the reforms, may I point out to him that the acceleration, speeding, expediting and quickening of reforms has got nothing to do with the enclosing in of the terrorists. He can expedite a subordinate of his to perform a certain work but he cannot ask the Sovereign people of England to expedite anything for him——

THE HONOURABLE THE PRESIDENT: Will you please address the Chair?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I am addressing these gentlemen through you, Sir. In case they make these remarks which they did the day before yesterday——

THE HONOURABLE THE PRESIDENT: You ought not to listen to them.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I would not mind them in the least, Sir, I am addressing the Chair all the time.

He must know that it took the Greeks nearly seven centuries from 1100 to 400 B.C. to establish their full-fledged democracy and it also took the Romans an equal length of time 753 to 44 B.C., *i.e.*, nearly seven centuries to establish their fully developed democracy. If the Greek subjects could not ask the

[Major Nawab Sir Mahomed Akbar Khan.]

Hellenes to give them full-fledged democracy and the Romans could not be asked to grant fully developed democracy to their dominions and empire, may I ask my Honourable friend Saiyid Raza Ali how is he going to wrest the concession of reforms from Whitehall? Is he more powerful than Whitehall? Is he better organized, disciplined and more favoured of Mammon than the Whitehall authorities? To speak candidly I think I have more right to liberty than the residents of any other province in India, because since our settlement in the Mountain of Ghor in 538 B.C. the Afghans have always remained independent till 1849 A.D. when the British Government took over the plains of the Yusafzais and I have as such more right to independence, but when I am subordinate to an Empire, on which the sun never sets, I have to remain a satisfied subject, without asking anybody to accelerate anything for me, because I know that as a subject I cannot compel a predominant power to do anything against their wishes. A man can wrest something from a person weaker than himself but he cannot extract things from a powerful personality. Supposing the powerful body was to act in the method of Ghengiz Khan, Tamerlane, or Nadir Shah or Hajjaj-ben-Yusuf, let me squarely and fairly ask this House how can they prevent a predominant power from taking that course in eradicating all possible agitations? Let us be thankful to this Government who is not governing the country under the Cromwellian Martial Law of Major-Generals and this House will be well advised to pass this Bill rather than have outrageous acts committed everywhere and thus save India from the horrors of martial law. As a Mussalman and as an Afghan, Sir, liberty is more near my heart than it can possibly be to any other Indian whose ancestors have never enjoyed it for such long duration as those of mine, but let us wait to see when our *Karmas* will bring our much cherished liberty to us with the full concurrence and approval of Whitehall.

I am no believer in dictating terms to a superior authority under a threat of terrorism. I believe in the great Persian poet Saadi who advises his readers to be careful in putting a request to a higher authority in the most moderate terms and not to take liberties with them. I think he says, if you strike your head against a fully developed horned ram, you will not injure the ram but will break your own head. I do not think the Government will employ this Act for a longer period than it is necessary and I will most humbly ask the Home Secretary, the Honourable Mr. Hallett, to remove this Act from its operation when it is no longer required. The criticism of every Government in a lawful method should not be discouraged, because even the most autocrat and barbarous rulers have allowed a fair review of their actions. I cannot do better than quote the instance of Frederick the Great when he told the pressmen of Prussia that they can criticise every action of this, but they must bear in mind that he is the master of a standing army of two hundred thousand of the best trained soldiers in Europe. Well, Sir, bearing in mind the great saying of Frederick the Great, I support the Bill with the humble request, prayer and submission that this Bill should not be kept in operation for one day more than is necessary.

Through the indulgence of the Chair, I will now say a few words as a matter of appeal to my friends and brethren, the zamindars of India, in this House. Supposing there are continued outrages in all the provinces, the result is bound

to be the declaration of martial law or establishment of punitive police in the disturbed areas. The expenses of punitive police are generally paid by zamindars and their tenants, and in these days of depression and low prices the brunt of these expenses will have to fall on the tottering shoulders of the much impoverished and bankrupt zamindars. Sir, it is a strange anomaly of this Government that at the time of favours my friend the Honourable Mr. Hallett can only see to the educated and lawyer class of people but when it comes to get him out of the world war the zamindar must find for him the necessary recruits for his defence and to maintain his invincibility and his world-wide dominions. In respect of Government taxes, the zamindars must pay their land revenue, *abiana* or water-rate, income-tax, super-tax, sanitation taxes, donations for all important functions and besides these they must pay their fines in the matter of punitive police posts, etc., but when there is the question of distribution of favours the zamindars are completely neglected——

THE HONOURABLE THE PRESIDENT: May I point out to the Honourable Member that he is not restricting himself strictly to the Bill?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Sir, I am coming now to my point, but if the Chair wants to disallow——

THE HONOURABLE THE PRESIDENT: I am not disallowing your remarks. But it would be better to confine yourself more closely to the Bill.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: In obedience to the order of the Chair, I will drop the entire part of the speech and will restrict myself to the Bill under discussion.

Sir, I want to inform the Government through the Chair that from the dawn of Indian history no ruler of this country, be he the Maharaja Adhiraj, a Moghal Emperor, the Afghan or Pathan King, a Rajput or a Buddhist ruler has treated his zamindar subjects unfavourably. The brotherhood of zamindars is a tower of strength for every Government and the alienation of their sympathies has never been without serious results in regard to every period of Indian history. As a loyal subject of the Government I most respectfully ask them to be more liberal in their favours and awards to this class of loyal people from time immemorial and the backbone of every Government. Without the full co-operation of this class I am afraid the complete suppression and eradication of terrorism cannot be brought forth, for the zamindars are well acquainted with the unruly elements within their spheres and at the same time know full well how to deal efficiently with such elements. The co-operation of the zamindars, therefore, is highly essential in the matter of stamping out terrorism from this country and thus removing the hideous blot of terrorism from the fair name of India.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, I have listened with great attention to the arguments put forward by several Honourable Members who have opposed this Bill but to my mind they have been unable to give any valid reason for their objections. One point that has been stressed is in regard to the transfer of these State prisoners from one province to another. But this is obviously a matter of discipline made necessary because of the close proximity of these undesirable characters with other

[Mr. E. Miller.]

prisoners in Bengal which is more likely to increase the terrorist mentality in Bengal than would be the case if these suspects were to come in contact with other prisoners in another province. I do not know what it is, but there seems to be something in the atmosphere of Bengal which makes terrorism more catching than elsewhere, and the more isolation from Bengal these characters can be given the better it will be. This has been proved by experience and I am in favour of this disciplinary measure being continued. I do not agree with my Honourable friend Sir Phiroze Sethna and other Members in regard to their objection to the permanency of the measure. The Honourable Sir Phiroze Sethna thinks that if it is only put into force for another three or four years, at the end of that time the Congress and the terrorist gang will say: "Let us be good boys now and then this Bill will not be extended". I do not think this is likely to be the case, and even so Government would not be able to let the measure lapse at once, as they would not know how long the terrorists would remain of good behaviour, so the Bill would have to be renewed for another period. This I think is why a permanent measure is the most desirable method, for it just continues until there is a sure indication after a long long period of rest that further instances of terrorism are unlikely. What is the harm of it remaining for a couple of years or so during a period of unbroken rest from terrorism? It will not be utilized, but it will be there if some isolated case breaks out. I am strongly in favour of it being made permanent and support the Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, I have much pleasure in supporting the measure. I shall confine my remarks only to one or two points. As the competency of this Legislature to pass such a measure has not been questioned, I do not want to touch upon it. It is agreed that an Act of this kind is very necessary. The very arguments advanced by the Honourable Mr. Kalikar and others is to the effect that for the last 30 years you have not been able to do much and what is the good of having this enactment permanently? My answer is that there is all the greater reason why a measure of this kind should be on the Statute-book, so that the terrorist movement may be killed.

Another objection that has been strongly raised is that the detenus ought not to be sent away from Bengal. Sir, the Honourable the Home Member has clearly told us under what difficulties they could be kept in Bengal. It was not possible to prevent them from communicating with others and carrying on their nefarious activities and therefore they must be removed outside Bengal. Sir, these people are not wanted anywhere. You have heard of the unfortunate incidents in Madras. What they do is they contaminate the people inside the jail and short-time prisoners when they come out go and spread the poison; and the result was—I do not want to go into all the details—in broad daylight there was a robbery in a well-known bank in Ootacamund; and, Sir, there was a conspiracy to murder the Governor of Madras and some prominent Council Members. Well, that being so, these people are not wanted anywhere, and it is right and proper that they should be kept in a place like Deoli. The Honourable Mr. Hallett has told us that every attempt is made to make them comfortable as far as circumstances permit. As regards climate, I do not think even the British Government can change the climate. That must be taken along with other things.

One of the serious objections that was urged was that these people are kept in jail or under detention without a proper judicial trial. The difficulty of holding a formal trial has been elaborately dealt with. Witnesses are terrorised, if not murdered; and nobody would come forward to speak against these people when they know that their lives would not be worth a moment's purchase after giving evidence. That being so, open trial is not possible and every attempt is honestly made to sift the evidence as regards these people. Two men of the rank or grade of Sessions Judges are appointed to scrutinise the evidence and to see whether the order interning them is proper or not. We may take it that these gentlemen do their duty honestly and conscientiously in the fear of God and without fear of man. Why should we suspect that these people are not doing their duty? Then, as regards a non-official being made one of the Tribunal to go into this matter, I think this matter may be left to the Government. I hope the Government do not always appoint Europeans; I believe they appoint an Indian as well as a European to go into this matter; but apart from that, Sir, there is another reason against open trial. There are cases where we are convinced of the existence or non-existence of certain matter, but we are not able to prove it in a court of law on account of the rules of evidence and the procedure of courts. I will give one or two instances. Supposing a man who has got children or who is in charge of children finds that they get wrong ideas about Government and the children bring to his notice several things which simply astonish him. He asks, "Who told you all this?" and the reply is, "So and so told me." Well, the difficulty of proving such a thing would be immense. If he goes to a court and says, "My children were taught by these people", the question will be put, "Who told you?" Then the Court will say, "Your evidence is hearsay, you better stand down from the witness box". Would he be willing to take his children or youngsters to court and make them give evidence that X, Y, Z said all these things? It is said that they must be subject to cross examination. No doubt cross-examination is a very good weapon as we all know, but in such cases, it may not be possible to cross-examine the witnesses. A man may be morally convinced that a certain thing has taken place, but he will not be able to prove it in a court of law. No doubt lawyers would say moral conviction is not legal proof. I quite admit that. But certain things come to our knowledge about the existence of which we are thoroughly satisfied, but we may not be able to prove it in a court of law and I believe in such cases Government will be perfectly justified in acting upon evidence which they believe to be true against certain persons. I think this aspect of the case will have to be considered. Now, nobody is more jealous of the powers of the High Court than I am; but such evidence if it goes before the High Court the Judges will simply say, "Very well, we cannot look into it, because it is not admissible evidence". In such cases therefore we must leave it to the good sense of the Tribunal or the persons who scrutinise the evidence to see that they do it fairly and impartially.

Then, Sir, it has been said with regard to this terrorist movement that it will cease to exist in the course of a few years. So far as we know things do not seem to tend that way. Only a few days ago we heard of an attempt at wrecking a train. All these things are very difficult to bring to an end unless Government has powers which it can legitimately use.

[Sir David Devadoss.]

Then, Sir, one other point I wish to lay stress on. It has been said that the speeding up of the reforms would put an end to this movement. So far as I can see, this movement is more economic than political. Universities have turned out graduates not by the hundred, but by the thousand and these people have no work to do. They go for employment here, there and everywhere and they send petitions, but the only reply is " No vacancy ". Most of these men become desperate. They do not know what to do, whether they should starve or whether they should die. Unfortunately some of these men are even prepared to die rather than to starve. If you will allow me, I will give an instance which came to my notice. A graduate with a very good degree was seeking employment. He went to various people, big and small, and for some time he could not find employment. A year after a relation of his—a well known man—wrote to me saying, " Here is so and so, who wants to commit suicide. Will you kindly help him in getting employment ? " I tried my best in Madras, wrote to several people and they said there was no vacancy. Even the Public Service Commission turned him down. Finally he got some job afterwards. So, that is the position of many of these people, and especially in Bengal, where educated people find no employment. Now, when a man is in that state of mind, whether he should live or whether he should put an end to his life the tempter comes along ; he comes in the guise of a patriot and he says :

" Why should you want to die ? All this trouble is due to this wretched, foreign Government. If you do away with this foreign Government, we will be in a better position. They take away all our wealth and they have made us poor. Why do you not do something ? You want to die. You will be born again soon and be in a better state. Do something and you will be considered a hero. The Martyr's crown of glory is awaiting you. Shoot somebody or do something else."

The soil is very fertile ; the poisonous seed is sown and it bears fruit in murders, robberies and what not. My suggestion is, find employment for these men. Government will ask how can we find employment ? I suggest in all seriousness pay them only Rs. 15 a month and take some of these graduates who are likely to be influenced by these people, tell them to go about preaching the benefits of co-operation and rural reconstruction. They may not be efficient or clever. Pay them Rs. 15 and take them away from their surroundings. Even if you take away a thousand people, it will only mean about Rs. 1,80,000 a year. Even if the Government spends much more I do not think it will be money lost. If you take away most of these men from their surroundings I am sure that this movement will collapse. The Government will say, " Very well, where are we to find the money ? " My answer to that is, it is much better to engage these men and let them go about preaching these things instead of spending money on Deoli and special police and special tribunals and military occupation, and so on. Sir, I make the suggestion in all seriousness and not in any spirit of light-mindedness and if this can be done, Sir, I think Bengal will get back its fair name. Bengal has been known to produce eminent lawyers and great poets and great reformers and it took the lead in many matters. Unfortunately, in the last few years it has earned a very bad name. And these activities are capable of infecting other people. I suggest, Sir, that a method like this would be the best solution. Of course, the Government may be able to devise a better solution. I say, make these men do something—let them not be idle. Let them not say, there is nothing for us to do, so let us turn terrorists and die. If the Government can do something I am sure the terrorist movement can be finally killed and the fair name of Bengal will again shine forth in bright colours.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, after the exhaustive discussion that has taken place from all points of view very little remains to be said. The fair name of India has been besmirched by terrorism. Its avowed object is to make government impossible, to scare away the officials, to make their lives intolerable so that they cease to come to this country. These misguided persons overlook the fact that for one man who is murdered there will be dozens ready to step into his place. One of the most striking instances of this was noted after the murder of Mr. Burge when an Indian Civil Service officer on leave offered to take his place as Collector of Midnapore. Sir, terrorism is not a plant of new growth. I do not wish to recapitulate all the outrages that have been committed in India but I would refer to the earliest instances that occurred in the Bombay Presidency in the year 1897. Two military officers who were on plague duty were returning from a banquet at Government House, Poona, on the evening of Queen Victoria's Jubilee when they were foully murdered on their way home. A thrill of horror went through the country. The ostensible pretext was that the murders were due to their harsh and rigorous measures to stamp out plague. It is probable that political motives were involved as Maharashtra was then seething with political ferment. Within a few years thereafter a most lovable officer, Mr. Jackson, Collector of Nasik, who was a guest at a public function in a theatre organised for the benefit of the people, was shot at point blank. These instances were only the beginning on our side but I am glad to say that there have been fewer outrages, *viz.*, the attempt made to murder the Acting Governor Sir Ernest Hotson in the Ferguson College at Poona during his visit. Happily it miscarried. Early this year an attempt was made on the life of a European warrant officer, but he too miraculously escaped. We realise that the minds of the youths of the country have been perverted by revolutionary publications and even school girls have not escaped from their malign influence. Take for instance the fact that girls have been known to secrete revolvers and cartridges under their bedding. In the recent case at Darjeeling when an attempt was made to shoot the Governor of Bengal a college girl is alleged to have been an accomplice. It was also reported that daggers and revolutionary literature were found in the house of a school mistress at Chittagong ! The minds of our young men and women have thus been poisoned through association with terrorists. As an instance of the way in which school children are being tutored they were told, for instance, that the British Government were taking away all the gold from the country to pauperise India. In another instance, children were told that the British Government were so cruel that when Mr. Gandhi was at the Round Table Conference they had his teeth pulled out ! It is such incidents that have led to the perversion of the minds of the young and innocent. I agree with my Honourable friend, Sir Ghulam Hussain Hidayatallah, that the present system of university education should be altered. It is no use turning out battalions of graduates year after year who are

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

doing no good, who simply pass their examinations by cramming, without understanding and without intelligence. They are a drag upon the economic resources of the country, the money spent over their education is wasted, and when they are incapable of finding service drift into terrorism. That even their elementary knowledge is poor was graphically described by a former member of the Public Service Commission who said that he once asked an aspirant for the Indian Civil Service how he would reach Australia from India. His reply was that one should go to Moscow, from there to London, and thence to Australia! Apart from geographical knowledge, historical knowledge is woefully defective. Our history books that describe the reign of Babar, Akbar and others are of no good to students. They should have a book to show the condition of India in the earlier days when the invaders from the north-west, from Samarkand and Bokhara, took possession of India, carried away all its treasures and ruled with an iron hand. A contrast is required to demonstrate the conditions then prevailing and at the present day. An historical perspective would thus impart adequate understanding and remove from their minds the tainted views about British rule. I honestly believe that there should be now a radical change in our system of university education. Scientific and technological education as given at the Benares Hindu University is the great and pressing need of the country. The rich should put their hands deep into their pockets to provide industrial and scientific institutions where the knowledge there acquired could be put to practical use for the benefit of the country. The pen having replaced the plough, the cry should be back to the land. The scheme devised by Sir Daniel Hamilton should be widely copied. These misguided youths should have something to do and live upon in order to reclaim them. Lip sympathy is no good. Practical measures should be devised, and until then prevention is the best remedy so as to save the ignorant and immature from their toils.

I agree with the Honourable Sir David Devadoss as regards open trials of terrorists, as witnesses and officers are often murdered and instances are not uncommon when the guilty escape and the innocent suffer. Sir, it may be asked—"What of the future?" If this Act is not made permanent and when the new constitution begins to operate would not these very weapons that the terrorists now direct against British officers be turned against our own Indian officials. They will not thank us that it was the last Legislature that deprived them of a weapon calculated to ensure their safety.

With these few words, Sir, I support the Motion for the consideration of this measure.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, with reference to the Motion before the House I entirely endorse my friend the Honourable Home Secretary's statement. Past experience has shown that persons accused of terrorist activities confined in local jails succeed very often in converting their associates to their view. There could not be a better example than what has happened in Madras as was pointed out by both the Honourable Mr. Hallett and my Honourable friend Sir David Devadoss. Sir, objection has been taken to the transfer of these detenus to the other provinces. My Honourable friend Mr. Kalikar

said they do not get all the facilities allowed in their own province. I can from my personal knowledge tell the Honourable Mr. Kalikar that I interviewed some of the detenus that were transferred to Cannanore under Bengal Regulation of 1818 and I can tell the House that all comforts were accorded to them and there were no complaints so far as their comforts in the place where they were kept was concerned.

Sir, as my Honourable friend, Sir David Devadoss, has pointed out, the trouble is due in large measure to unemployment. Though I cannot share fully in the view that unemployment has everything to do with the problem, I do feel that to a certain extent those who come out from the University of Bengal after passing their Bachelor of Arts and find no employment, as has been rightly said by my friend, are induced by some of these terrorists to join them. There seems to be some foundation for such a presumption. My Honourable friend, Sir David Devadoss, suggested a remedy and I hope the Honourable the Leader of this House will communicate to the Bengal Government whether some sort of occupation should not be given to these young graduates who come from the Universities. That is a matter which no doubt requires very careful consideration. Apart from that, Bengal, as my Honourable friend Sir David Devadoss has said, has produced eminent men. She has always supplied Law Members to the Government of India and produced poets. Unfortunately, that good name has been tainted with this terrorist movement. Segregation is the only remedial measure in the present circumstances. The House is doing nothing extraordinary in giving support to this measure beyond endorsing the public opinion behind it in Bengal itself. The Bengal Legislative Council passed its Bill by an overwhelming majority. Also, this measure has received the large support of the Legislative Assembly. It is therefore in the fitness of things that we should give our full support to this measure in the hope that this may be the last occasion for such legislation here and that with the insistence of public opinion and the extraordinary powers in the hands of the Local Government, not only will the movement be brought under control but all its pernicious germs will be destroyed at the very root. When the occasion arises when there is no longer any danger of terrorist outrages, it will be open to the Local Government to repeal this legislation. Until such a time comes, we must lend our support to the Local Government and keep this measure permanently on the Statute-book.

With these words, Sir, I strongly support the Motion before the House.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, from the speeches we heard the other day and this morning one generally gets the impression that this Honourable House is in no sympathy with the terrorist movement. The cult of the bomb and the pistol does not appeal to Members of this House. The natural inference one derives therefore is that this House is equally anxious to find out ways and means how best to combat terrorism. The Bill before us originally came before the House some time in 1932. It was to supplement the Bill which was passed in the Local Council at that time. The Local Government, finding it impossible to deal with the terrorism under the laws in existence at that time, sought the help of the Local Legislature to put into operation certain extraordinary measures, and the Local Legislature willingly gave those powers sought

[Mr. Satyendra Chandra Ghosh Maulik.]

for by a huge majority. In this House too, at that time, we passed the supplementary Bill. The then Home Secretary, Mr. Emerson, as he then was, expressed that the Bill was rather on the "preventive" than on the "repressive" side. He further added that that Bill alone will not help to oust terrorism from Bengal. He opined that by the creation of public opinion, by the institution of beneficent activities, by reformatory influences and by alienating the sympathy of those persons who are now sympathetic with the movement and give assistance and encouragement to it, it will be possible to combat terrorism. And, Sir, if I may be permitted to quote a few lines from his speech. He said :

"It is almost unnecessary to say that the Government of India will give to the Government of Bengal and to the head of the province who has just taken over charge at a difficult and critical time every measure of support not only on the preventive side but equally, and with much greater pleasure, on the constructive and progressive side".

He further added :

"One may express a hope that the Bill will in practice be even of shorter duration than the period for which provision is made, that other influences will come into operation and that this Bill will cease to have effect not because powers are surrendered while the necessity remains for their use, but because there is no further necessity of giving effect to them".

Sir, what do we find now ? Even in spite of this Bill being in existence and if I may say in full operation for the last 28 months, no appreciable result seems to have followed. We are now trying to make this measure permanent. I do not know whether by making it permanent it will be possible to eradicate the evil altogether from the country. We are aware that the present head of the administration in Bengal has already started an Economic Board of Enquiry and we are all anxiously looking forward to see the outcome of it. What is greatly necessary is to mobilise public opinion and to create a feeling in the minds of the people that after all the Government exists for their good and for their benefit. It has been suggested by some of my Honourable friends that the economic condition is one of the reasons why terrorist activities have remained for so long in Bengal. I would ask them how they would reconcile it with the fact that recently we have found young school boys and girls who have not as yet crossed the threshold of the University have been found guilty of terrorist activities. With them the question of unemployment has not yet arisen. I think there are other reasons which prompt them to indulge in anarchical crimes. Economic conditions may be one of the reasons, but certainly, Sir, there are other reasons also.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Their teachers.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : May be the system of education is sometimes at fault too. What then is the real cause of this terrorist movement having been so far successful ? If we could find that out, we would have done a great deal. A responsible public body—I mean the British Indian Association—have taken up the lead. They have had several conferences and I am happy to say that they have been able to get the help of certain leading Congress men, nationalist leaders and several other prominent citizens of Bengal, and I hope it will be possible for them ere long to find out some solution how best to combat terrorism. Sir, without

a better understanding between the ruler and the ruled it is not possible always to govern, especially so when the Government is an alien one. The spirit of co-operation is not yet spent up. I think, Sir, the speeding up of the reforms and a sympathetic attitude towards the aims and aspirations of the people and a willingness at all times to look at the grievances of the people will go a greater way than the passing of these repressive laws in eradicating this evil which troubles us mostly at the present time.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I find from the speeches of Honourable Members that some of them have misunderstood the Bill, short as it is. The Bill is a very short one, with only one real clause, but it is incomplete unless you read the Bill of 1932 which consists of five clauses. The Bill is meant to give permanency to the one that was passed in 1932 for three years only. The object of the present Bill therefore is that instead of three years, we will now make the measure permanent. Sir, if we read the other Bill with this we find that it is based on two main principles. The first principle was stated in clause 2 of that Bill, that the persons arrested under suspicion shall be committed in custody in any jail in British India. That is the first principle, that the Bengal Government is authorised to send its detenus to any part of India. The second principle is contained in section 4 of that Act, and it is that :

"the powers conferred by section 491 of the Code of Criminal Procedure Code, 1898, shall not be exercised in respect of any persons arrested, committed to or detained in custody under the local Act or the Local Act supplemented by this Act".

This means that persons who are given rights under section 491 of the Criminal Procedure Code will have no right of appeal to High Courts. These are the two principles for which we are required this morning to give permanency. Now this Bill has no direct concern with the terrorist movement. It has only an indirect effect. The direct effect is produced by the local Act of 1930 as again amended by the 1934 Act of the Bengal Government. Now I must state my position and it is this so far as the suppression of the terrorist movement is concerned by all constitutional and reasonable means, we have absolutely no difference with my friends occupying the Treasury benches, and rather we are prepared to help them in any possible way. But this Bill is not meant directly for the purpose. Now I will deal with each point separately.

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The first principle is the giving of the right to the Bengal Government to send its detenus to any part of British India. This means that on suspicion you can send a person outside his province, which comes to deportation of a person to another province on mere suspicion without giving him any chance to disprove the charges alleged against him. Sir, deportation is a punishment next to capital punishment and should be used as rarely as possible ; but here we find that it is the first punishment that a suspected person will have to meet. I most strongly protest as it is not reasonable to give that harsh punishment to a man on mere suspicion without a formal trial in a court of law. Sir, my Honourable friend, Mr. Hallett, in his speech yesterday said that two judges are appointed to go through all the cases before these men are sent to jail. I admit that the Bengal Criminal Law Amendment Act has particularly got

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this provision. But he has also said that out of so many cases examined by the two judges, one per cent. of the cases proved to be false.

THE HONOURABLE MR. M. G. HALLETT: Not false. That the order was not fully justified.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: That according to the judges one per cent. of the cases sent to them by the authorities concerned proved to be innocent. Sir, I must say that if even one out of 500 cases in the Deoli Jail is innocent and wrongly detained, it is sufficient that every one of them should have a formal trial. What does this examination amount to ? It means that material is placed from one side and the accused is given a chance to answer a few questions only. A definite question was put by my Honourable friend, Mr. Sapru, whether the accused has a chance to go through all the material placed by the Government before the judges. That question was not replied to. Then, Sir, the accused cannot be expected to be a lawyer and discuss the charges in a legal way. He ought to be given a chance to have himself represented by a competent lawyer who can go through the material and then put in a reply. I find from the speech of the Honourable the Home Member in the other House and of the Home Secretary in this House that this is not being done, and therefore we cannot agree that this highest form of punishment should be meted out on mere suspicion without even this chance to the accused.

Then, Sir, it is said that these prisoners should not be kept in Bengal because it has been found that they communicate with people outside as well as inside. If they are kept in a separate jail I believe that communication with other prisoners will end at once, and they will have less opportunity to communicate with those outside. I think it is a great blot on the administration of the Bengal Government that they cannot make arrangements to check these prisoners communicating with the outside public. This supplementary Act goes to prove that the Bengal Government is not able to keep a check on their prisoners in jails. I would not like to associate myself with the view, and I do not know how the Government of India have associated themselves with it. The Honourable the Home Member in putting up this Bill in the other House has said that one reason for bringing the measure eight months before the expiry of the Act of 1932—there was no hurry and it could easily have been brought in the winter session in Delhi—was that he wanted to get time to make further arrangements at Deoli Jail. What were those further arrangements, Sir ? Buildings for more prisoners ? At present there is accommodation for 500 prisoners only. Now, the object of the Government is to make additional accommodation for, say, 500 or 1,000 more——

THE HONOURABLE MR. M. G. HALLETT: No, Sir, that is entirely incorrect. There is no proposal before the Government for increasing the accommodation at Deoli.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I would draw the attention of the Honourable Member to a painted question put in the other House and the reply given by the Honourable

the Home Member that the Bill has been brought in a few months earlier to give time to the Government to erect some buildings. If it was to be brought up in March or April next, the Government will not have time to make the buildings. I am sure I have read the question and answer and I draw the attention of the Honourable the Home Secretary to the speech of the Honourable the Home Member in the other House. Sir, if this is the object of Government in making this Act permanent, I protest and warn the Government that it may not prove as in the case of the Pusa Institute. At that time the Government thought that all the necessary buildings should be erected at Pusa and after all the money spent they have come to the conclusion now that the Pusa Institute should be transferred to Delhi and the money was wasted. We all know that we are going to have reformed Government in a few years and Ministers will be responsible to the Legislature.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Mr. Miller.)

It is just possible that the Legislature may put pressure on them or it is just possible that they themselves may be able to devise other means——

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That will be a Federal Legislature.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA——by which this transportation to Deoli should be stopped. Then all the money spent in Deoli will be wasted. So, Sir, I give the warning to Government on that point. I do not know for what reasons Government has got so much solicitude for Deoli Jail. Deoli is a place 70 miles from Ajmer and is situated in a very hot part of the country. The climate of Deoli is dry and unsuitable to the Bengalis coming from a temperate climate. In Bengal we do not have hot winds—what we call *loo*. In Deoli we have an abundance of hot winds. So prisoners coming from that part of the country are put to great inconvenience in a place like Deoli. Then, Sir, Deoli as we know is a small deserted place. We cannot have as good medical arrangements as in any place in Bengal. Therefore, from that point of view, too, Deoli is not a suitable place. Then, Sir, so far as the special food of the Bengalis is concerned, they cannot get it at Deoli. What is their special food ? They like fish very much. Fish you cannot find at Deoli. Therefore they are denied that facility also at Deoli.

THE HONOURABLE MR. M. G. HALLETT: Special arrangements are made for the supply of fish.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Whatever arrangements may be made they can not get fresh fish. They would get tinned fish ; that is all. My third objection is that there are no hotels and no places where the relations of these detenus who come there for interview can stop. That is also very inconvenient. You detain a person on suspicion. You throw so many impediments in the way of his occasional meeting of his relations. That is also not proper. Then, Sir, my last objection about Deoli is that visitors appointed to visit the Deoli jail have a very great dislike to going there on account of the bad climate and the vast distance they have to travel.

(At this stage the Honourable the President resumed the Chair.)

If they go at all, they go on very rare occasions. The result is that the outside

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public are denied the advantage of the result of the visit by the visitors. Considering all these points, Deoli Jail which has been selected by the Bengal Government and approved by the Government of India is mostly unsuited to the people coming from Bengal. My Honourable friend Saiyid Raza Ali—who, I am sorry to see is absent now—said that if this Bill is not passed the result will be that those 500 prisoners at the Deoli Jail will either have to be returned to Bengal or released. I beg to disagree with him. There was a time when the civil disobedience movement was at its height and the Bengal jails were filled by these prisoners. But at present when the Congress has come to a right conclusion and accepted their mistake, and have withdrawn the movement, most of the prisoners have been released. I do not think there is now any ground for the Government of Bengal to say that they have got no room for their own prisoners. If they have no room, they must make temporary jails as they did at the time of the civil disobedience movement. There is absolutely no reason for the Bengal Government to throw their anarchists on any other province and let that spirit be spread in it.

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that these points have been thoroughly threshed out by many Honourable Members this morning and ask him to be brief in his remarks?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I quite see, Sir, that they have been dealt with. I am making my arguments to make my case most strong so that Government may accept our amendments later on.

Now, Sir, my Honourable friends on the Treasury benches will ask me what remedies do you suggest? The Leader of the House is not prepared to put that question to me, because he has got enormous resources from Government as well as from his own brain. However, for the information of the other Members and for helping them to come to a right decision, I must give my views on the point, *viz.*, what other remedies are there for checking the anarchist movement? Sir, some of my friends have stated that the reforms should be speeded up. I entirely agree with them, but I must say that the reforms should not be as stated in the White Paper, because it has been said by every section of the country, even the Liberals and the Constitutionalists, that they do not want the reforms on the lines of the White Paper. We want the reforms as submitted by the Indian representatives in the Memorandum to the Joint Parliamentary Committee. If reforms of that kind are given to India at an early stage, we, the Liberals and Constitutionalists, will side with the Government, go out into the country and ask our friends of the other party to accept them and give them a fair trial. Therefore, Sir, we want that the reforms should come speedily, but on the lines of the Memorandum submitted by the Indian Members to the Joint Parliamentary Committee. Sir, I do not know why at the last time when the Montagu-Chelmsford Reforms were introduced it took only 19 months to finish them and they were enacted in India, but this time we find that full ten years have passed and the Bill is still under consideration and has not matured. We do not know when it will mature. That is, Sir, certainly a very important remedy for checking the anarchist movement. Then, Sir, the other remedy

that comes into my head is that the Bengal Government ought to introduce religious education in their educational programme, so that people may feel how heinous it is to take the life of innocent men. What they do is to throw a bomb or shoot an innocent man without knowing the effects of their misguided actions. They must be taught how heinous it is to do acts like this. This is the other remedy. I am glad, Sir, the Leader of the House who did not want to hear my views is calling "Hear, hear" to this assertion of mine!

Then, Sir, another remedy that comes into my head is solving the problem of unemployment. Some of my Honourable friends have laid great stress on this, especially my Honourable friend Sir David Devadoss. I think, Sir, it is really very important and the most difficult also at present. But every attention of the Bengal Government and the Government of India should be turned to remove unemployment among educated persons.

Then, Sir, the last thing that I would suggest and when I am suggesting it I am not doing so in a light-hearted manner—is that the Bengal Government should pass a local Act on the lines of the Sarda Act. Under the Sarda Act the age limit is fixed under which girls and boys are not to be married. Now, Sir, our experience shows that the Bengal Government should adopt an Act by which they fix a maximum after which parents ought to marry their girls and boys. That is, they must marry a boy at the age of about 20 and a girl at about 16. What will be the result? The result will be that when these young misguided people will feel the responsibilities of domestic life, they will think twice before committing acts by which they will be brought to execution. They will have the care of their sons. They will have the care of their wife and therefore they will think not only twice but half a dozen times before committing such rash acts. That is another important suggestion and I am glad that it has also been appreciated by the Leader of the House.

THE HONOURABLE SIR DAVID DEVADOSS: What if they refuse to marry? Are they to be imprisoned?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: The Act will be compulsory, Sir. There is no question of refusal. So, Sir, these are the points that I had to suggest for the removal of anarchism.

Now, Sir, I come to my second principle, that of depriving a man of the right given under section 491, Cr. P. C. Sir, if the first principle, that is, the deportation of a man on suspicion was a blot on the administration of the Bengal Government, depriving a man from proving his innocence before the court is a blot, I should say, on the fair name of the British nation. The British nation is famous for justice, liberty and freedom. There is no other nation that follows these principles so rigidly. Depriving a man of his liberty to prove his innocence before a court of law is a blot on the fair name of Britain and therefore, Sir, I would appeal to my Honourable friends that they should not be led away by their feelings into giving effect to the motion that section 491, Cr. P. C., should not be applicable in the case of the detenus of Bengal. The Bengal Government has already passed an Act and I think the Government will suppress the movement according to those sections. And it was only the other day in the Bengal Legislative Council that His Excellency the Governor gave expression to the view that there was every likelihood

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that the movement would be brought under control and the menace would be removed. So, Sir, when we are sure that the movement will be brought under control in the course of a few years, there is absolutely no necessity of giving these extraordinary powers. The powers are already existing in the Bengal Criminal Law Amendment Act and we are prepared to support all reasonable extra powers wanted by the Local Government or the Government of India.

With these observations, Sir, I resume my seat.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, before I make my own observations on the Bill before the House, I should like to deal with some of the solutions that have been suggested by the Honourable Member who has just resumed his seat. Sir, I am one of those who bitterly opposed the passage of the Sarda Bill in this House, and that because, Sir, I am sincerely convinced that the Legislature, whether it be entirely elected or mixed, as it is today, has no business to interfere in matters of this kind. I feel that the suggestion made by my Honourable friend, Mr. Mehrotra, that only if the Sarda Act is not enforced

THE HONOURABLE THE PRESIDENT: You need not trouble much about the suggestions made by the Honourable Member. You might confine yourself to stating your own views.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: My impression is, Sir, that if this suggestion is carried out it will not be an effective remedy for the evil which it is our desire here to eradicate. Sir, instead of mitigating the evil, it might aggravate it, because a man who feels miserable for want of employment for the mere reason that he has got to support himself might feel all the more miserable when he sees his whole family, his wife and small children starving. The man who being alone might become desperate would have all the more reason to become all the more desperate when he sees his own family suffering and when he does not have the wherewithal to alleviate their sufferings. I am one of those who believe that unemployment is at the root of this evil. I feel that the remedy that has been suggested is already within the knowledge of the authorities. It is not in this way that this problem should be tackled. I feel also that it is not our business to tell the Government what the remedy should be. As a layman, and speaking for myself as a lawyer, it is my duty only to make out a case for a change. The educational system, the economic system, all these call for urgent improvement. It is not my business to say what the change should be and what the precise nature of the reforms should be. It is for the Government with the help of experts like my Honourable friend the veteran educationist from Madras to devise the ways and means. It is the duty of experts to devise ways and means by which the educational system can be overhauled and modified in order that it might suit the conditions prevailing in the country.

Since I am on this aspect of this case, I want to make it perfectly clear that I am one of those who believe that for the purpose of eradicating this evil, we should adopt measures not only by way of enacting these repressive laws but also by way of doing something which would go to bring about an

improvement in the economic condition, but I will not suggest any specific remedies, because I believe it is not for us to suggest specific remedies——

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: You suggest your own.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I have already said that it is not my business to suggest any. I cannot offhand suggest remedies. All that I can say is that remedies have got to be adopted.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member is taking his colleague too seriously!

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: Sir, I will not labour that part of the discussion now. I feel that unemployment is at the root of this evil to a very great extent. Young boys and girls who spend a considerable amount of time and energy in their schools and colleges and a considerable amount of their parents' money,—what do they find when they come out of their schools and colleges after having got degrees and distinctions? They find that they cannot get any employment. They find that no opportunities are afforded to them to eke out their livelihood or to do service to their motherland. The result is that their ambitions are shattered. What hopes they had of pursuing avocations which might help them to eke out their livelihood and to render service to their motherland fall to the ground like a pack of cards. The result is that these young men have nothing to look forward to. They become desperate and they are ready to do anything which might find an outlet for their pent up rage and vexation, without caring what the consequences might be either for themselves or for others. It is therefore necessary that everything possible should be done to see that this state of affairs is put an end to. Employment has to be found for these men. How it is to be found it is not possible for me to state. All that I would say is that the Government should take steps to open up nation-building departments, should start new industries, encourage agriculture—in short, they should make their efforts in all directions which might go to improve the economic condition.

One of the arguments was that there is every likelihood of the same people coming into the new Legislature who have made no secret of their intention to put an end to all these Acts. It is said that when such is the case, there is no use making this law permanent. This is an argument which makes the case for this Bill all the more powerful. Since there is a likelihood of people coming and repealing these repressive laws, it is necessary that the law should be so amended so that it might in the interval that is before us produce such a salutary effect that the people who are now determined on repealing all these laws might be persuaded to think better of these laws and not interfere with them. I am not one of those who believe that this kind of law should always be on the Statute-book. I believe and believe very sincerely, that a day will come, and very soon too, when there will be no necessity for a law of this nature and when this law would either be repealed or wou d become a dead letter. To find out whether it is necessary to make this law permanent or not, we will have to be guided by what the people of Bengal think. Not having first-hand knowledge of the conditions prevailing in that country, we cannot

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give any authoritative opinion upon the subject. That the people of Bengal approve of this law being made permanent is evident from the fact that their representatives in their Legislative Council passed this measure by an overwhelming majority. In their considered opinion it is necessary that this law should be made permanent, and for two reasons. The first is that there should always be some means available to contend against this evil, and secondly, the very fact that this is always available would go to deter people from indulging in these activities. Experience has shown that the very fact that these measures were temporary went to serve as a sort of temptation to the forces of disorder by making them feel that if they only could hang on for some time, they would find easier circumstances when they could have their own way. Therefore, experience has shown that by keeping these laws temporary, there will be no possibility of obviating the necessity for these laws. On the other hand, the hope is entertained and very reasonably too, that when these laws are made permanent, the effect would be to disillusion those misguided young men, and to let them know clearly that there is no possibility whatever of their escaping the law. The result would be that these young men would relent and give up their objectionable activities. I feel that the making of this law permanent is in the interests not only of law-abiding citizens, millions of whom are feeling so insecure, but also in the interests of these misguided young men, who will have no false hope dangling before their eyes and consequently would be persuaded to give up their activities. I feel that those who sincerely desire to come to the rescue of these men should make every effort to see that there is no possibility of a false hope being entertained by these people, but on the other hand that they are made to realize that the consequences of their deeds will be visited upon them. It is the duty of every one to make this perfectly clear so that these young men might give up their activities. Sir, these young men are so misguided and so deeply under a delusion that they need to be protected against themselves. Therefore I feel that this Bill is more beneficial from that point of view, that it is better for these young men than any false sympathy shown to them.

THE HONOURABLE MR. M. G. HALLETT: Sir, I have listened with great interest to the speeches delivered on the last two days and I am very grateful both to those Members who have supported this Bill as well as those who have opposed it. I recognise fully that even those who have opposed it on certain points are fully at one with Government in holding that every possible step must be taken to do away with this menace of terrorism. It is only on the question of the measures to be adopted that there are slight differences of opinion. The Honourable Mr. Kalikar in his speech of the day before yesterday emphasised the point that our measures though they had been going on for a long time have not brought the evil to an end; therefore they have been unsuccessful; therefore they should be changed. The Honourable Mr. Chari took a different point. If I understood him correctly, he referred to the fact that it has been stated by myself, I think, as well as by other Government officials both here and in Bengal that we have the movement under a certain amount of control. He argued therefore that as we have got it under control we should also change our methods and drop the measures we have been following for the past four or five years. Though those arguments are based on

different premises, yet their contention is the same and I hope I shall not be inconsistent if I deal with them together. We do recognise, we do admit that our measures have met with a degree of success, but we do not contend that we have gone nearly far enough. Our experiences over the last year or two have gone to show that the poison is very deep-seated in Bengal and the incidents which have occurred in the past year show how outrages may occur at the moment when we are feeling most confident that the movement is partially under control. I need not refer to those incidents; they are well known to you. If you are studying the papers now you will see the full history of the conspiracy to attack Sir John Anderson being revealed in the Court in Darjeeling. It is interesting reading. We have got the movement under a certain measure of control, but we are not content with that. We are determined to go on until we have not merely got it under control but, as Honourable Members themselves also wish, until we have stamped it out so that there is no possibility of its recrudescence now or at any future time. We therefore are carrying on the measures which we have found by experience to be particularly suitable in the past; measures which we have adopted since 1915 or 1916, which we adopted in 1921-22 and which we have adopted from 1930 to 1934. The only defect of those measures was that they were temporary. I will refer to that point again further on. The Honourable Mr. Sapru—I regret that a leading newspaper quoted his speech as that of his distinguished father—has raised some points regarding these measures. He contends they are objectionable. I tried to make clear in my first speech that I also did not like them; but on the other hand I abominate still more cases of murder and assassination and a campaign which is designed to put an end to all kind of orderly government. The Honourable Mr. Sapru quoted the words of a leading Liberal. If you will permit me, Sir, and I do not think it will take me more than half a minute, I will quote the words of an even greater Liberal than Mr. Asquith, the late Mr. John Morley. This is what he said when dealing with the very analogous case of the application of Regulation III:

> "Let us face that: there is no trial; there is no charge, there is no fixed limit of time of detention; and in short, it is equivalent no doubt to suspension of *habeas corpus*. The Government of India found in December a movement which was a grave menace to the very foundations of public peace and security. The list of crimes for twelve months was formidable, showing the determined and daring character of the supporters of this movement. The crimes were not all. Terrorism prevented evidence. The ordinary process of law was no longer adequate and the impression in this community was that the Government could be defied with impunity. We found in the armoury of weapons of Government a law and applied it.....We should have been perfectly unworthy of holding the position we do—I am speaking now of the Government of India and myself—if we had not taken that weapon out of the armoury and used it against the evil-doers".

Those words, Sir, of John Morley apply with equal force today. We have taken that weapon out of the armoury and we must keep it out of the armoury until this menace is finally done away with without any chance or possibility of revival. When this will come about I cannot say, and it is for that reason that we want to have this Act permanently on the Statute-book.

To turn to some other details which have been raised, some doubt is still expressed in some parts of the House as to the necessity for removing these people outside Bengal. They contend that it reflects on the efficiency of the Bengal Government, that the Bengal jail authorities cannot keep their prisoners

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under effective control. I do not think that charge is a fair one. Look at it in this way. You have in Bengal a certain number of terrorists in camp or in a jail. You have also outside that jail and separated only from those prisoners by the jail wall or the fencing round the compound a large number of people unfortunately filled with what I may call the terrorist mentality. You have also those terrorist leaders who are still at large. You have also people speaking the same language, having the same habits and similar in every way. It is not therefore difficult for the prisoners in the jail or in the detention camp to communicate with the outside world, and I do not think it reflects on the efficiency of the Government of Bengal that they have found it practically impossible to prevent this communication with the outside world entirely. Deoli is over a thousand miles from Bengal and I cannot recall a single instance that I heard had taken place in which unauthorised, secret correspondence had taken place between a prisoner in Deoli and a terrorist conspirator in Bengal. That is the whole point. We want to get them removed right away from the area in which the other conspirators are. We might remove them to the Andamans; that would be the safest place but Government did not consider it desirable to go as far as that. Deoli is in Ajmer. It was said that we selected it because it was a hot place and the climate very different from that of Bengal. I think the real reason was, the main reason was, that the Government of India wished to have these detenus directly under their own control and not to put the burden on to any other Local Government. That certainly is one of the reasons for the selection of Deoli. I trust I have made it clear why it is necessary to remove these people away from Bengal. It has been stated that one of the reasons for the congestion in Bengal jails was due to civil disobedience. That is certainly not the main reason; it is only a subsidiary reason; it was rather a reason for hurrying up the construction of Deoli Camp. It was not one of the main arguments that was urged by the Bengal Government when they were pressing the Government of India to undertake the construction of this camp at Deoli.

Little or nothing has been said on the question of *habeas corpus*. I am glad of that for I am no lawyer and therefore I am incompetent to deal with it.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I did say something about *habeas corpus*; I pointed out that so far as that provision was concerned, it was wholly unnecessary.

THE HONOURABLE MR. M. G. HALLETT: I am very grateful to the Honourable Member for having pointed it out. I am prepared to admit that this section is put in largely for greater caution, but we are following precedents followed for many years. It started first when sub-section (*6*) was added to section 491 of the Code of Criminal Procedure. It was followed after that in the other Acts which have been passed by this Legislature, and it is being repeated in the Assam Bill which will shortly come up before this House. I recognise there have been rulings of High Courts, especially of the Calcutta High Court, to show that the section is not absolutely necessary, but I contend it is desirable.

Now, Sir, I come to this question of permanence, which the Honourable Sir Phiroze Sethna dealt with at considerable length. I am grateful to him for the support he gave to the other provisions of the Bill. I trust I will be able to satisfy him and others on this question of permanence also. Briefly, the position is this. I have an Act which will expire on a fixed date—and if we accept the amendments which are going to be moved shortly, what will be the result? What has happened in Bengal in the past? I would quote what the Honourable Mr. Reid said in the Bengal Council. This is what he said on the question of permanence in reference to the Bengal Act of 1934:

> "But I do say that when people in their position see that the only enactments which have enabled Government to deal with them effectively are about to expire within a definite period, then their policy is obvious, that is to sit tight and organise their forces and recruit as hard as they could and as soon as the Act expired to get busy again",

just as they got busy at the time of the Chittagong Armoury Raid. That is the real reason and that is what we are anxious to prevent. It is suggested that if we have an Act for a certain period, it can always be re-enacted. But the mere knowledge that the Act will expire on a certain date, that the powers will expire does undoubtedly encourage the terrorist to go on with his plans, to go on getting new recruits, because he thinks that at the end of the period the most effective weapon that Government have used against him will no longer be available. That is our experience in the past and in a matter of this kind we must be guided by experience, not by any *a priori* considerations. If the movement dies down, the Act can be repealed. Our laws are not like the law of the Medes and the Persians; they can be repealed at any time. Government also need not use the weapon. There are many sections in the Indian Penal Code which are not used from year's end to year's end, but they are not removed from the Statute-book. The real reason why we want the power permanently is that it has been our experience in the past, that terrorists are definitely encouraged by knowing that an Act will cease to be in force on a certain date.

I do not intend, Sir, to spend any more time of the House in discussing at any length what the root cause of terrorism is. We have had a very interesting discussion on the subject. We have listened to some very interesting suggestions. It has been suggested that it is due to a defective form of education. No doubt it is true. I feel certain that that is a problem which is engaging the attention of the educational authorities in Bengal and the Ministers of the Government of Bengal. It has been suggested that it is due to economic reasons, that *bhadralogs* are unemployed and that it is a case of "Satan finds some mischief still for idle hands to do". That no doubt is also true. But as this House is well aware, Sir John Anderson has taken up the economic problem in Bengal and has appointed a committee to go into the whole of that very difficult question. It has been suggested also that the position may improve with the introduction of reforms and that it is therefore necessary to hurry up the reforms. I think Honourable Members of this House must be well aware of the views of His Excellency Lord Willingdon on this question of the introduction of reforms and of the views which are held by all members of the Government of India and Provincial Governments. Whether the introduction of the reforms will improve the conditions in regard to the terrorist movement in Bengal is a matter on which I am afraid I am doubtful. It must be remembered that the terrorist movement started as an agitation over the partition of

[Mr. M. G. Hallett.]

Bengal carried out by Lord Curzon. When that partition was put an end to in 1912, the movement continued. When the reforms were introduced in 1921, the movement continued. Is there any guarantee that the movement will not continue when the new constitution comes, I trust, in 1935 or 1936 ? It is for that reason that we are asking that these powers should be permanent, because we feel that this movement may revive again at any time. Though the Government of Bengal and the Government of India are quite prepared to carry out other measures for improving conditions in Bengal, yet they feel they must arm their police, their executive officers, with the necessary criminal powers to deal with this subversive movement.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : The Question is :

"That clause 2 stand part of the Bill."

(To the Honourable Mr. Jagadish Chandra Banerjee who stood up) : I will allow the amendment to be moved. This question of permanency has been discussed at considerable length by almost all the Members. I will therefore ask the mover to make a short speech and move his amendment and I will put it immediately to vote after the Government reply. I am not disposed to allow a second debate on this question.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I move :

"That for clause 2 the following be substituted, namely :

'In the second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, the word 'seven' be substituted for the word 'three .'"

Sir, enough has been said on this Bil over the question of having it placed permanently on the Statute-book. Coming from a province which has been condemned by all sections of this House, I feel myself embarrassed to say anything on the subject repeatedly. (*An Honourable Member* : "Then why speak at all ?") My friend says, "Then why speak at all ?" I speak, Sir, so that my constituency may not blame me for not doing the work that I am here to do for them. Sir, the only motive I have in moving my amendment is to give the measure an extension of life for another three years. The constitutional reforms as contained in the White Paper is expected shortly. The Joint Select Committee is already working on it and their labours may or may not see the light of day. If there was any certainty about the political advancement promised, then provincial autonomy, at least as demanded by my Muslim friends, is certain. With provincial autonomy the provincial executive becomes responsible to the Legislature. I want to give the measure an extension only for three years so that the responsible provincial executive under the reformed Government may have a fair trial and see for themselves whether they require the measure to be

1 P. M.

permanently on the Statute-book or not. If after three years the responsible provincial executive express their desire through the Provincial Legislature to have this measure permanently on the Statute-book this House would not be found wanting to give their support in making it permanent.

With these few words, Sir, I move my amendment.

THE HONOURABLE THE PRESIDENT (to the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra who rose to speak) : I will allow you to speak but only for a very few minutes because the subject is one that has already been fully discussed this morning.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, instead of moving my own amendment which is similar to the one moved by my Honourable friend, I will support the amendment before the House.

Sir, a number of arguments have been advanced by the Honourable speakers as to why we do not want this Act to be made permanent and I do not wish to repeat them. I will submit, Sir, only one or two points. It has been said that the Act requires permanency because we are expecting to have a new party in the other Legislature. That was said by the great leader of the Independent Party. Sir, we should not be afraid of the new party coming into the Legislature and if that is the idea at the back of the Government's mind, I would certainly vote against the Bill if the amendment is defeated. Several parties are going to fight the elections and nobody can say which will have the upper hand. Anyhow we should not be afraid of the Congress entering the Assembly on account of which the Bill is made permanent so that they may find it difficult to repeal it.

Another point, Sir, has been made out that because the future Government will be responsible, therefore it is necessary to make such an Act permanent. Sir, I am against that argument altogether. You must give a fair chance to your responsible Ministers. You should not tie their hands by making such Acts permanent. Let them come. If they can devise better means than the one suggested in the Bill, why should this Bill be made permanent ?

Then, Sir, my Honourable friend the Home Secretary has just said that it is not like the laws of the Medes and Persians. We can repeal it at any time if we find it is no longer required. Sir, I think it is not an easy job to repeal such an Act, and in any case repealing it would only bring discredit on the Government for not having agreed to the suggestion of the non-official Members that this measure should not be given permanency but merely extended for three years. So, Sir, that is the main reason why this should not be made permanent.

Sir, my Honourable friend Mr. Kalikar quoted yesterday from the speech of His Excellency the Governor of Bengal. From that speech we find that in spite of the fact that the Act was meant for three years, much of the movement has been controlled and His Excellency was very optimistic that in the course of two or three years the anarchist movement would be suppressed. If that is the view of His Excellency the Governor of Bengal, I think, Sir, there is no necessity of making the Act permanent. My Honourable friend has moved an amendment by which he is prepared to give a fresh lease of life to the measure

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

for another three years. I think that is quite sufficient and really enough time to give a further trial to the movement.

With these few words, Sir, I support the amendment.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for clause 2, the following be substituted, namely:

'In the second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, the word 'seven' be substituted for the word 'three'."

The Question is:

"That that amendment be made."

The Motion was negatived.

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 HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, the anticipated has happened. Government has not yielded to the persuasive eloquence of my distinguished leader, the Honourable Sir Phiroze Sethna, and to what fell from several other Members of this House. So far as I am concerned, I wish to indicate my dissent from the main policy of this Bill. I feel convinced that the policy of this Bill is wrong and nothing that I have heard has changed or altered my view in the least. Sir, the point is simply this. It has been said that the Bengal Legislative Council has passed this measure by an overwhelming majority. What is it that the Bengal Legislative Council has done? They have passed a measure for detention without trial. There is no resolution of the Bengal Legislative Council so far as I know suggesting that these detenus should be confined outside Bengal. Therefore there is no use referring us to what the Bengal Legislative Council has done. We have to consider the question from an all-India point of view and we have to consider it from the point of view of other provinces also.

Then, Sir, it has been emphasised that it is very necessary to segregate these men in the interests of the less hardened terrorists. If so, why cannot you segregate them in Bengal? Bengal is a vast province, and surely there must be some place in Bengal where you can segregate the more hardened terrorists?

Then, Sir, my Honourable friend referred to Lord Morley's Recollections. I would just like to say this now—I have read Lord Morley's Recollections with care, and the impression that these Recollections left upon my mind was that he was very, very unhappy indeed over the use of Regulation III. If I had the Recollections, I could refer my Honourable friend to parts of those Recollections where Lord Morley seems to be apologising for himself. I think it was not a very happy reference. The Honourable Mr. Hallett has objected to the use of the word "repressive" in connection with this measure. The point is this that it is a measure which vests vast discretionary powers in the hands of the executive and it is in that sense that the word "repressive" has been

used by this side of the House. So far as I am concerned, as I have indicated, I am not in favour of this Bill.

With these words, Sir, I oppose the Motion.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, the principles of this Bill and of the Acts to which it relates have already been discussed threadbare on the floor of this House and I need not traverse the same ground again. But as we are now required to record our votes in favour of or against the Bill, I just want to make my position clear in a few words with regard to the attitude I have decided to take up on this Bill today. Sir, I yield to no one in my desire to see terrorism stamped out of the country. But I feel that there are some provisions in the original Act which are objectionable. One of them is the principle of detention without trial in the case of suspects, and the second is the provision which deprives the High Courts of the powers which are of the nature of *habeas corpus*. Whatever may have been said in favour of these provisions, Sir, I feel that these provisions are to some extent objectionable. My Honourable friend Sir Phiroze Sethna has explained the reasons why he does not think that a measure of this kind should be made permanent. He has stated that the House would almost unanimously support the Bill if its operation were extended for a few more years. But a measure of this character should not be permanently placed on the Statute-book. I am therefore not inclined to vote in favour of the Bill. At the same time, I feel that something must be done to stamp out terrorism from the province of Bengal, and so my conscience pricks me if I think of recording my vote against the Bill. For I feel that this Bill is, after all, designed to meet the menace of terrorism. I have therefore decided to adopt an attitude of neutrality when it comes to voting on the Bill.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Vinayak Vithal Kalikar who rose to speak): I must point out to Honourable Members that I have allowed a full and exhaustive debate for two days on this Bill, and I have given all possible latitude to every Member to say what he had to say. I am not prepared to allow a second debate repeating the same arguments over again. If the Honourable Member has got anything important to say, I am prepared to allow him to speak.

*THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: I have only to cite a reference which I had promised the other day to my Honourable friend Mr. Hallett about the speech of the Honourable Mr. Reid.

THE HONOURABLE MR. M. G. HALLETT: He has shown me the reference privately.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: I promised to give it to him in my speech and so I have got to give it. Moreover, I think there is some misunderstanding in his speech of today, so far as the view of the Government of India is concerned, about detenus and other prisoners. I will read the reference which I promised him.

THE HONOURABLE THE PRESIDENT: I understand you have already told him?

*Speech not corrected by the Honourable Member.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I have shown him only one sentence. I want to read one or two sentences more. I am morally bound to read this reference since I promised him.

"Mr. N. K. Basu dwelt on the question of Deoli. I think the House is well aware of the reason why the Deoli Camp was started in 1932. There was a great congestion in Bengal and we could not accommodate further detenus here, and that is one reason why it was started. The second reason was this : that these men which we have in the detention camp are all men who are deep in the terrorist movement. To remove them outside the province does make a difference both to con litions here and also to their own mentality ".

Therefore I repeat what I said last time that it is not the view of the Bengal Government that because these prisoners have communications with others, therefore they are sent away to Deoli. They say about the terrorist prisoners. There is a lot of difference between the terrorist prisoners and the detenus. According to me and according to the Government of Bengal, the terrorist prisoners are prisoners who have been convicted whether by special tribunals or by an ordinary court of law. But the cases of these detenus have not been dealt with by courts of law or by special tribunals. Their cases have been dealt with only by two judges. There is a lot of difference between detenus and the terrorist prisoners. Their case is that the detenus have not been kept in Bengal because Bengal is overcrowded, and there will be a difference in their mentality if they are removed outside the province. This is all I wanted to say.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, as passed by the Legislative Assembly, be passed."

The Council divided :

AYES—27.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.
Barua, the Honourable Srijut Heramba Prosad.
Charanjit Singh, the Honourable Raja.
Chetty, the Honourable Diwan Bahadur G. Narayanaswami.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.
Crosthwaite, the Honourable Mr. H. S.
Devadoss, the Honourable Sir David.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.
Ghosh Maulik, the Honourable Mr. Satyendra Chandra.
Hallett, the Honourable Mr. M. G.
Hidayatallah, the Honourable Sir Ghulam Husain.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.
Menon, the Honourable Diwan Bahadur Sir Ramunni.
Miller, the Honourable Mr. E.
Mitchell, the Honourable Mr. D. G.
Mitha, the Honourable Sir Suleman Cassim Haji.
Nair, the Honourable Mr. C. Govindan.
Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Padshah Sahib Bahadur, the Honourable Saiyed Mohamed.
Pandit, the Honourable Sardar Shri Jagannath Maharaj
Parsons, the Honourable Sir Alan.
Philip, the Honourable Mr. C. L.
Ray, of Dinajpur, the Honourable Maharaja Jagadish Nath.
Raza Ali, the Honourable Saiyid.
Stewart, the Honourable Mr. F. W.
Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
Wingate, the Honourable Mr. R. E. L.

NOES—5.

Chari, the Honourable Mr. P. C. D.
Kalikar, the Honourable Mr. Vinayak Vithal.
Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.
Sapru, the Honourable Pandit Prakash Narain.
Sethna, the Honourable Sir Phiroze.

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, as Honourable Members are aware, Wednesday, the 22nd August, is a day allotted for non-official business, and I would suggest that the Council meet on Monday next at 10-30 A.M. for the transaction of the remaining official business on the list of business today.

The Council then adjourned till Half Past Ten of the Clock on Monday, the 20th August, 1934.



COUNCIL OF STATE.

Monday, 20th August, 1934.

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

QUESTIONS AND ANSWERS.

Indianization of the Services of Port Trusts.

115. The Honourable Sir PHIROZE SETHNA: (*a*) Will Government be pleased to state what recommendations, if any, were made to the Port Trusts to give effect to the Resolution moved in this House on the 26th September, 1932 and adopted by it?

(*b*) Are the Port Trusts giving effect to these recommendations?

(*c*) If not, what measures do Government propose to take, which will speed up Indianizing the services of the Port Trusts?

The Honourable Mr. D. G. MITCHELL: With your permission, Sir, I will answer the questions on behalf of the Honourable Mr. Stewart, who has been detained unavoidably.

(*a*) The Resolution was brought to the notice of the various Port Trusts through the Local Governments concerned and it was suggested that the stage had been reached at which it was desirable that the Port Trusts should adopt definite measures for carrying through an effective policy of Indianization of their superior services. It was also suggested that the Port Trusts should give preference to ex-"Dufferin" cadets possessing the requisite qualifications in filling the superior posts under them which require mercantile marine qualifications.

(*b*) The replies so far received generally indicate that the Port Trusts have taken and will continue to take such action as lies within their power to to accelerate the process of Indianization of their superior services and that Indians are being appointed to those posts under the Port Trusts for which properly qualified Indians are available. The majority of the Port Trusts have also expressed their readiness to give preference to ex-"Dufferin" cadets in filling posts requiring mercantile marine qualifications, provided that they possess the requisite experience and qualifications.

(*c*) Does not arise.

Numbers of Vacancies with a Minimum Salary of Rs. 500 which have occurred in the various Port Trusts since 1st October, 1932.

116. The Honourable Sir PHIROZE SETHNA: (*a*) Will Government be pleased to state the number of vacancies with a minimum salary of Rs. 500

per mensem which have occurred since 1st October, 1932 in the Port Trusts of Bombay, Calcutta, Karachi, Madras, Rangoon, Chittagong and Aden ?

(*b*) How many of these were filled by Indians, Anglo-Indians and Europeans in the various Port Trusts ?

(*c*) If all the vacancies were not filled by Indians, the reasons therefor ?

THE HONOURABLE MR. D. G. MITCHELL: The information asked for is being obtained and will be supplied to the Honourable Member in due course.

UNPASSED ROUTINE DIVISION CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

117. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government please state whether it is a fact that there are at present a large number of temporary routine clerks employed in the Secretariat of the Government of India and in the Attached Offices who have not passed the examination of the Public Service Commission ?

(*b*) Will Government state their numbers in each office, the length of service, the pay drawn by them, and their nationalities ?

(*c*) Is it a fact that under existing rules these clerks cannot be absorbed in the permanent cadre and will have to be discharged ?

(*d*) Is it a fact that a large number of persons who have passed the Public Service Commission examinations are on the waiting list and have not been given any post ?

(*e*) Has Government considered the advisability of replacing the unqualified clerks by qualified candidates ?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*b*). Information is being collected and will be supplied to the House in due course.

(*c*) Yes; that is to say, they can only secure permanent employment through the competitive examination.

(*d*) As the Honourable Member is no doubt aware vacancies are filled on the results of a competitive examination. In accordance with the instructions in clause IX of paragraph 1 of the Home Department Office Memorandum No. F. 452/27-Ests., dated the 8th December, 1928, a copy of which is in the Library, the Public Service Commission supply each of the Government of India offices with a list of candidates who did not obtain places in the last preceding examination, but were nevertheless considered qualified for temporary employment. This is I presume the waiting list to which the Honourable Member refers. I may mention, however, that under clause IX of the Office Memorandum referred to Departments have discretion to appoint candidates who are not on this list.

(*e*) The matter is under consideration.

METHOD ADOPTED FOR RECRUITMENT TO THE BENGAL PILOT SERVICE.

118 THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state the number of Indians and Europeans employed in the Bengal Pilot Service ?

(*b*) How is this Service recruited in India and in England ?

(*c*) Is any preference given to Indians trained and passed through the Mercantile Training Ship "Dufferin" ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) 42 Europeans and 15 statutory Indians are at present employed in the Bengal Pilot Service.

(*b*) Appointments to this Service are made by the Governor General in Council on the advice of the Public Service Commission in India and of the High Commissioner in England.

Appointments are made in England only when the Governor General in Council has been unable to make suitable appointments in India.

(*c*) In making appointments in India preference is given to qualified ex-cadets of the "Dufferin."

REPRESENTATION FROM THE BENGAL CHAMBER OF COMMERCE CONCERNING METHOD OF RECRUITMENT TO THE BENGAL PILOT SERVICE.

119. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that a representation has been made by the Bengal Chamber of Commerce to the effect that the present method of recruitment to the Bengal Pilot Service should be so changed as to permit of the appointment of certain percentage of Europeans until such time as the Government and various interests concerned were assured that Indianization of the Service was not likely to impair efficiency ?

(*b*) If so, what reply has been given to the Chamber by Government ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) Yes.

(*b*) The Chamber has been informed that the Government of India do not see sufficient justification at present for making a change in the method of recruitment to the Bengal Pilot Service on the lines suggested by the Chamber.

NUMBER OF EUROPEANS AND INDIANS IN THE RANGOON PILOT SERVICE.

120. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) How many Indians and Europeans are there in th pilot service at Rangoon ?

(*b*) If there are no Indians appointed, will Government be pleased to state the reasons therefor ?

(*c*) Why Indians trained and passed through the Mercantile Training Ship "Dufferin" are not appointed ?

THE HONOURABLE MR. D. G. MITCHELL: The information asked for is being obtained and will be supplied to the Honourable Member in due course.

TRANSFER OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

121. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that Government has decided to transfer the Pusa Agricultural Institute to Delhi ?

(*b*) How much money was spent for bringing the Institute to the present level of efficiency ?

(*c*) What amount will be required for repairs as the result of earthquake shocks ?

(*d*) What amount will be required for transferring this Institute to Delhi ?

(*e*) Do Government propose to meet the expenses incurred for the transfer of the Institute out of the savings effected in the budget, or to provide for the amount out of loan account ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) and (*c*) to (*e*). I would invite the Honourable Member's attention to the Memorandum submitted to the Standing Finance Committee, which is available in the library of the Legislature.

(*b*) The precise meaning of the Honourable Member's question is not clear. The efficiency of a scientific institute depends primarily upon the capacity and energy of its scientific staff. It is doubtful whether this is susceptible of measurement in terms of money but, if the Honourable Member wishes it, I can obtain for him the total amount spent upon the salaries of the present staff. The amount spent on buildings, land, etc., is Rs. 30 lakhs approximately ; their present book value, however, is only Rs. 21½ lakhs.

COMMUNITY TO WHICH CERTAIN CANDIDATES SELECTED FOR APPOINTMENT TO THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH BELONG.

122. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government state the names and communal composition of the candidates so far selected to fill vacancies in the posts of Imperial Entomologist and the Imperial Agricultural Chemist at the Agricultural Institute at Pusa ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : *Imperial Entomologist*—Dr. Hem Singh Pruthi, Sikh.

Imperial Agricultural Chemist—Rao Bahadur B. Viswanath, Hindu.

PERSONAL STATEMENT BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF THANKING THE MEMBERS OF THE COUNCIL OF STATE FOR THEIR CONGRATULATIONS ON HIS G. C. S. I.

HIS EXCELLENCY THE COMMANDER-IN CHIEF : Sir, I thank you for your courtesy, and the House for its courtesy, in affording me the opportunity of making a personal statement. While I was on tour the other day, I had the pleasure of receiving a most agreeable letter from our Secretary, who informed me that he was directed by you, Sir, to offer your congratulations and the congratulations of the House to me on being created a Grand Commander of the Star of India. These decorations when they come to a man of my age, although it may not appear to everybody in the same light, are a very forcible reminder that one's active career in the public service is coming to a conclusion, but one would be scarcely human if one did not appreciate getting them. But I would like to say in addition that the two congratulations, among many others, which gave me the most pleasure were those of His Excellency the Viceroy and of this House, because His Excellency and this House and I work in the same field and are doing our best for India, and this House and His

Excellency both know what my task is, and what my difficulties are ; and it is therefore congratulations of that sort which are worth three and four times what the ordinary congratulations are. I would therefore like to assure this House how very deeply I appreciate the honour they have done me. (Applause.)

ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, I move :

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, as passed by the Legislative Assembly, be taken into consideration."

Once again, Sir, it is my task to ask this House to accept a Bill to supplement an Act which has been passed, again by a large majority, by a Provincial Council, in order to give its executive Government the necessary powers to deal with the terrorist movement. The Bill before the House is a short one but to make its provisions clear I must first of all explain briefly the provisions of the parent Bill and then, Sir, I will go on to explain briefly the reasons which led the Assam Legislative Council to pass this Act in March last. The parent Act (copies of which have been supplied to Members of the Council) follows closely the provisions of the Bengal Criminal Law Amendment Act, 1925, and also the similar Act which was passed by the Legislative Council of Burma in the year 1931, also to deal with the terrorist movement which at that time was threatening in that province. It does not contain the more drastic provisions of the more recent Acts in Bengal. It does not contain any provisions that are contained in the Suppression of Terrorist Outrages Act or in the Act passed by Bengal at the beginning of this year. It does not, for example, contain the provision that is in the Bengal Act that the penalty for attempted murder may be death. It contains two main provisions. The first is that it makes it possible that persons accused of the terrorist offences which are specified in the First Schedule of the Act shall be tried by a tribunal of three Commissioners instead of by the ordinary procedure. Again we are profiting by experience. It has been found by experience that the ordinary procedure prescribed by the Criminal Procedure Code under which an accused has first of all to be brought before a magistrate and under which there are very often lengthy commitment proceedings, followed by an even more lengthy trial when he is brought before a sessions court, that procedure is not satisfactory in these cases. For it is clearly desirable even more in terrorist cases than in cases of ordinary crime that the trial case should be completed without any undue delay. Otherwise, apart from the fact that the trial is held before three Commissioners without commitment proceedings, the procedure is practically identical with that under the ordinary law. As a death sentence has to be confirmed by the High Court, an appeal lies to the High Court in all cases, or rather it would be more correct to say that an appeal will lie to the High Court if this Bill is accepted, as I have no doubt it will be, by this Council. In the Bill before us we are asked to confirm the provision that is included in the Assam Act under which appeals lie to the High Court and death sentences have to be submitted to them for confirmation. That is the first provision of the Act.

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The second provision is a provision similar to that in the Bengal and Burma Acts, a provision to which I know some Members of this House (not very many perhaps) take exception, a provision giving to the executive the power to restrict the residence of a terrorist suspect to a certain area or, if necessary, to commit him to custody in jail or in a detention camp. There is no question of course in this case of removing these suspects, even though they are committed to jail, outside the province, there is no question of removing them to Deoli or any other detenu camp outside Assam; that has not been considered necessary. In view of that provision I have again to ask the House to accept a section which deprives the person arrested of the right of applying for a writ of *habeas corpus*. That the Assam Government are using these powers,—drastic powers, I admit,—with care and discretion has been shown to me by a letter which I fortunately received this morning. In that letter they reported that since this Act has been in force they have only used those powers in seven cases: only seven terrorist suspects have been committed to jail. In these seven cases, following the provisions of the law they had referred the facts of the case to two Sessions Judges and the Sessions Judges have found that there was lawful and sufficient cause for the orders that were passed. That I think is very satisfactory for it shows I trust that the mere fact of having these powers even though they are not used is having a deterrent effect on the terrorists,—a point which I tried to emphasise when I was discussing the Bengal Bill on Saturday last.

Another point I would mention, in view of the amendment of which notice has been given, is that there is no time limit inserted in the Bill. That point was discussed in the Assam Council and there again the Local Legislature accepted by a large majority the view of the Local Government that following the precedent of Bengal it was necessary to have these powers permanently on the Statute-book.

Another point I would make clear is this. The Act is not in force in the whole of the province. It has to be extended by notification to a particular area or to a particular district. That of course makes it easy to withdraw it also from a particular area or a particular district. At present the Assam Government has only extended them to the two districts of Sylhet and Cachar which, as those who know the conditions in Assam will realise are very closely akin to the neighbouring districts of Bengal,—Tippera, Mymensingh and Chittagong.

So much for the provisions of the parent Act. I will now explain briefly the reasons which led the Government of Assam to undertake this legislation. I do not think I can do better than read to the House the statement of objects and reasons with which their Bill was circulated. The statement is as follows:

"The Government of Assam have been aware since 1928 (*i.e.*, six years ago) of the existence of a section of the Bengal revolutionary party in certain districts in Assam but have been keeping a careful watch on the activities of these men. The pressure exercised on revolutionaries by the authorities in Bengal has had the effect of driving a number of them over the border into Assam. For some time past there have been growing indications that the revolutionaries have been contemplating outrages in Assam and there is good reason to believe that the number of serious crimes which have recently occurred in Assam were the work of this revolutionary party. These included the Chandpur and Itakhola mail robberies, the Shamshernagar railway station mail dacoity and the Sonaru mail dacoity, all of which occurred in 1933. There is also reason to believe that other outrages have been and are being planned. It is clear that the whole movement, both in Assam and in Bengal, is one and the same movement and springs from the same origin in Bengal, and unless there is co-operation between the two provinces not only will there be a danger of terrorism spreading in Assam but measures taken by authorities in Bengal which are admittedly of vital urgency will remain incomplete. In order that this co-operation may be effective, it is desirable that the ordinary law in Assam should be supplemented by legislation on the lines of the Bengal Criminal Law Amendment Acts. A Bill on these lines is accordingly submitted to the Assam Legislative Council. It is intended to be used only against persons believed to be members of secret terrorist organisations".

Those, Sir, in brief are the reasons which led the Government of Assam to put forward this Bill. That they did so after a due consideration of all the facts of the case is shown by the statement made by the Honourable the Home Member in the Assam Legislature, the Honourable Maulvi Saiyid Sir Muhammad Saadulla. He said:

"I have been in charge of the Department of Law and Order since 1929, and have resisted the proposals of the police and of the district authorities to supplement the ordinary criminal law. But the information now placed before the Government clearly proves the existence of many organizations within the province with the avowed policy to overthrow constituted government by means of force and violence. In the public interest I cannot divulge either the quantum or quality of the evidence that Government possess, but I can assure the House that on the materials which were placed before us, my Honourable colleagues, European and Indian, the Government as a whole, both the reserved and the transferred halves, have come to the unanimous conclusion that Government must possess powers ready for use for dealing with future emergencies. Thus, with a view to uproot the common menace—a menace alike to the public and to the Government—Government have placed this Bill for consideration by the Honourable Members".

The statement of objects and reasons only went back as far as 1928. I could, Sir, go back considerably further than that and show the connection between the terrorist movement in Assam and in Bengal at a far earlier stage. Even in 1907 and 1908, one of the first supporters and organisers of the terrorist movement who came to Bengal and who was subsequently convicted there, was a resident of Sylhet. In 1926, the notorious Surjya Sen who, as this House is no doubt aware, organised the raid on the Chittagong armoury, and who subsequently suffered the extreme penalty of the law, escaped from Bengal where he was evading his arrest under the Criminal Law Amendment Act, and for more than a year was lying hidden in Sylhet. During all that period he was organising this terrorist movement in that district and creating a terrorist mentality among the youths of Sylhet. Sylhet, as you must be aware, is next door to Bengal, next door to those districts in which the terrorist movement has been most rampant. It is a very easy journey, I understand, from Chittagong, the main centre of terrorist activity in Bengal, to Sylhet. The people of Sylhet are ethnologically, linguistically and racially the same as those of Bengal. In fact, it is claimed that Sylhet should be removed from Assam and made part of the province of Bengal. Under those conditions, it is not surprising that terrorists take an opportunity of spreading the movement in that district. I quite recognise that the outrages committed in Assam are not possibly quite as serious as those which have been committed in Bengal. There have, I am glad to say, been as yet no cases of attacks upon district magistrates or other

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Government officials. The particular form of terrorist crime prevalent in that province is dacoities and mail robberies ; the terrorists in fact are using Assam as an area in which they can obtain money to carry on their movement in the sister province of Bengal. We are as anxious to protect the unfortunate mail runners as we are anxious to protect the district magistrate or superintendents of police. In some of the cases which have been quoted in the statement of objects and reasons—the dacoities or mail robberies have been accompanied by murder and it is clearly our duty to protect these unfortunate mail runners, these humble servants of the State. The second form of crime which is also prevalent in these areas is theft of arms—of guns and revolvers. That again goes to prove what I was saying just now that the terrorists are using Assam as a place from which to get the sinews of war, arms and money.

Those are the main activities of the terrorists in that area. The objects of the Bill as passed by the Assam Legislative Council are twofold,—firstly, to protect themselves and, secondly, to help the sister province of Bengal. When the question of legislation was under discussion, the Government of Bengal rightly pressed very strongly that Assam should take these powers because they felt that if they had not these powers, it would facilitate the commission of offences in their province, and Assam, recognising that point as well as the need for protecting itself, passed this Act in its Legislative Council by a very large majority. Those, Sir, are the reasons why Assam undertook this legislation. We are merely asked to supplement and to confirm two sections which were included in that Act, partly by mistake, which were *ultra vires* of the Local Legislative Council and which require confirmation by the Central Legislature. I trust the House will have no hesitation in accepting this Bill, and by so doing will show that they confirm the action taken by the Government of Assam and its Legislature to deal with the terrorist menace both in Assam and in Bengal.

Sir, I move.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam : Non-Muhammadan) : Sir, we have heard the Honourable the Home Secretary, Mr. Hallett, with regard to the necessity of this measure in Assam. As a matter of fact, I consider this measure to be a preventive one rather than a punitive one. Finding that drastic measures have been adopted in Bengal and finding also that the geographical surroundings of the province of Assam, teeming with hills and forests, afford hiding places to the terrorists to take shelter for hatching their conspiracies, and carrying on their nefarious activities, the terrorists across the border come to the districts of Sylhet and Cachar, the bordering districts, to take shelter there and carry on their object. It is a very gratifying thing that the people of Assam proper have so far not been infected by the virus of terrorism or anarchism. Then why is this measure at all necessary ? The existence of terrorism or anarchism in the border districts of Sylhet and Cachar is a grave menace to the people of Assam, and it is to avert this danger that this Bill has been considered necessary by the Assam Legislative Council. The simple, unsuspecting and impressionable youths of Assam could be easily worked upon by the clever and subtle people who are to be found in the ranks of this movement.

The new danger of terrorism has to be dealt with in a drastic manner if it is to be nipped in the bud before it takes root in the soil of Assam and before the people of Assam are affected by this infection of terrorism. The Honourable Mr. Hallett has said in his speech that the people of Assam are linguistically and culturally different from the people living in the districts of Sylhet and Cachar. An agitation has been set on foot for the amalgamation of these districts with Bengal and their separation from Assam proper. The terrorism prevailing in these districts is another plank in the platform of this agitation. Of course I do not now want to go into the merits or demerits of this agitation. The danger of infection is there and it is a serious danger, and Government should arm the executive with powers to ward off this danger and deal with the situation. Sir, the Assamese people, as I have said, are rather peace-loving. No Assamese up till now has been involved in any of these terrorist activities ; the persons concerned are all people from across the border. Naturally, the people of Assam are alarmed at the crimes committed and public opinion in my part of the country is very strong that the Government should be sufficiently equipped with powers to get rid of this danger.

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Then, Sir, I come to the Supplementary Bill. I do not think that there can be any objection to clause 2, which is only an enabling clause, enabling the person convicted under the contemplated legislation to prefer an appeal to the High Court. Of course as regards clause 3, the suspension of the *habeas corpus* powers of the High Court, it is a drastic measure. But in the larger interests of the country I think the people will have to submit themselves to the provisions of this measure for the time being in order to enable the Government to have a free hand to do away with this terrorism from the country. That is all I have to say about this Bill. I hope the Government will not keep this measure on the Statute-book for a single moment after it has served its purpose. Further, I also hope that Government will be very careful in extending the provisions of this law to different parts of the province. I have reason to believe that the Government will be very careful in this respect ; because, only recently, before I left the province, there was a serious mail robbery in my part of the country in Upper Assam in Tinsukia and fortunately the people concerned were all from outside and no Assamese is involved, and in spite of it the Government has not thought fit to extend the provisions of this measure to that particular place.

With these words, Sir, I would like to support the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, the Bill before the House is practically the same that we passed on Saturday last. There are certain minor differences no doubt and it is very difficult to say whether this Bill is the " big brother " of the one that we passed on Saturday. It consists of four clauses. Clause 1 is practically the same as clause 1 of the other Bill and seeks to give permanency to this measure. Clause 2 is certainly different from the one in the Bengal Criminal Law Amendment Supplementary Bill. By this clause Government has chosen to give the right of appeal to those convicted by the Commissioners appointed by the Assam Government. Clause 3 is the same as that in the other Bill, and by this the Government wishes to deprive those who have been imprisoned on suspicion of their liberty.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Then the last clause is nothing else but to give retrospective effect to the Act. That is the whole Bill before us. Now the question is whether conditions in Bengal and Assam are similar, or is there a difference ? By analysing the conditions we shall be able to come to a conclusion whether the Bill is necessary or not.

THE HONOURABLE THE PRESIDENT : The Honourable Member for Assam thinks it is necessary.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Yes, Sir. We have heard that my Honourable friend Mr. Barua is of opinion that it is necessary. But my friend the Honourable Home Member when moving this Bill for reference to a Select Committee in the other House has clearly said that the conditions in Assam and Bengal are not similar, and I am glad to find that my Honourable friend Mr. Hallett has also said the same. In Bengal the terrorists are making attacks on the lives of officials, and the Home Member said in the other House that there is no danger to the lives of officials in Assam. In Bengal they are committing murders, while in Assam what they are doing is to commit robberies and dacoities——

THE HONOURABLE MR. M. G. HALLETT : With murder.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : With murder, yes. The Honourable Home Member while making his statement in the other House said that during the last three and a half years, 15 dacoities have been committed in Assam. The highest amount robbed in one case was Rs. 15,000 and in the other case Rs. 3,000 or more were taken, and two murders were also committed. That is all. So we find that there were 15 dacoities with two murders in three and a half years, which are said to be the acts of anarchists. I am glad to find that my Honourable friend Mr. Barua has enlightened us and said that these acts have not been committed by Assamese. They were committed by people coming across the border—I mean Bengal.

THE HONOURABLE MR. M. G. HALLETT : That is not entirely correct, Sir. In some cases the acts were committed by people coming across the border, and in other cases by Bengalis, permanently domiciled and living in Sylhet.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I do not quarrel on the point. It is between the Honourable Mr. Hallett and the Honourable Mr. Barua to decide. The representative of that place says that the acts have not been committed by Assamese ; the Government says they have been committed by them. I do not want to give any opinion of mine and my Honourable friends Mr. Hallett and Mr. Barua can decide the point.

Sir, may I ask from the Government whether political dacoities have not been committed in any other province ? So far as the United Provinces are concerned, I know several cases in which these dacoities have been committed. But why has not the Government of that province taken it into its head to take such serious steps ? Why has the Government of India not drawn the attention of the Local Government ? Because, Sir, we know that the Criminal Procedure Code is quite sufficient to deal with such stray cases. It is only in Bengal where the Government finding itself helpless has asked for extraordinary measures. There is another point, Sir, which I have not been able to follow. Section 2 of the Bill says that convicts after trial by Commissioners will have a right of appeal to the High Court. Section 3 says that suspects will have no right of proving their innocence before the High Court. May I ask why the power given to convicts after trial by Commissioners, *viz.*, the right of appeal should be denied to suspects ? If there is a danger of witnesses not coming in court and giving evidence against those who have been convicted, then, Sir, there is the same danger about suspects. The object of the Government, as I understand, by taking away the liberty from suspects of making appeals to the High Court is that witnesses coming before the court will be in danger of losing their lives. That is what I understood by the speeches delivered on Saturday. If there is a danger for witnesses in the one case, there is danger also in the other. If this section is deleted from the Bill, I am sure it will find support from this part of the House. It is to this objectional section which takes away the liberty of a man that we object to in the other Bill. Then, there is another point in the case of the Bengal Criminal Law Supplementary Act. The Government when first introducing it in 1932 made a special provision for its duration of three years. In this case I find that from the very beginning they are making the Act permanent. I do not know why when the situation was serious, in Bengal, the Government thought fit to have a trial for three years only, while in Assam, where they have admitted that the situation is not so serious, they have come all at once to make the measure permanent. I object, Sir, to this feature of the Bill also, and I shall reserve my remarks after seeing with what fate my amendment meets in this House. So far as section 2 is concerned, we are very glad to find that the Government has given the right of appeal to convicts, but what is happening is that if a convict after appeal is discharged from the High Court the police arrest him under some other section. What does it amount to ? It amounts to this that the executive is not prepared to abide by the decisions of the judicial courts. The judicial courts are above everything. They are supposed to administer justice in an impartial manner, but here I find that the case is quite different. If a convict is set free by the court, the moment he comes out of the court he is arrested by the police under some other section. Sir, I would appeal to the Government that they should respect judicial courts as they deserve. That is another point on which I wish to lay stress this morning.

With these words, Sir, I resume my seat.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, before the Bill was introduced in the lower House, I at least did not know that there was such an emergency in Assam, that the terrorist movement had gone to such an extent that there was necessity for passing such a Bill as is before us. I am glad to find from the remarks made by my Honourable friend Mr. Hallett that the position in Assam and Bengal differ very much so far as this terrorist movement is concerned. In presenting this measure before us for our support my Honourable friend Mr. Hallett read out certain remarks made by the Honourable the Home Member in the

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Assam Council while presenting that Bill. This is one side of the question. With your permission, Sir, I will read one or two sentences from the side of the opposition in the Assam Council, where the Members of the Assam Council have said definitely that there was absolutely no necessity for the Government to introduce their Bill there. Instead of reading extracts from the speeches of other Members, I want to read out a passage from the speech of one Srijut Sarveswar Barua, simply because our Honourable frend Mr. Barua dealt with the matter here and I perhaps think that that gentleman may be related to him; and therefore I want to bring before the House the views of that gentleman as to what he had to say about this Bill. He said:

"Sir, this is a Bill which seeks to make may inroads upon the rights of the citizens. Sir, it has given immense power to the police and it has given legal sanctity to all sorts of tortures that could be perpetrated on the people merely on suspicion. Sir, in a way we may call it as some sort of martial law that is going to be declared in the province of Assam in order to meet the emergency that has been sought to be made out by the Government"

Then, Sir, I also find from a speech of a Member, Srijut Rohini Kumar Chaudhuri, that there was no necessity of the Bill being brought before the Assam Council. He said:

"Sir, the Members of the Lawyers' Association of Gauhati, Dhubri and Sylhet, the members of the Assam Association, which is a political body having members throughout Assam, have passed resolutions to drop this Bill. We in this House had made no motion to drop the Bill; we waited to see how the Bill could be amended in an acceptable form. Most of the amendments which are tabled by the Honourable Members of this House have been rejected".

To an outsider like me, Sir, it causes a great deal of confusion. The Government say that there is necessity for this Bill. The popular side say there is no necessity for it.

THE HONOURABLE THE PRESIDENT: Has the popular side the same material for forming an opinion as the Government side?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Well, personally I do not know whether the Government put all this material very carefully before the popular side but if they had they would have been able to convert the opposition. That is the mistake of the Government. But, Sir, the associations of Assam have condemned this Bill. Not only that. But from the proceedings I find that various political associations of Assam sent certain telegrams to the President that he should not proceed with the Bill. That is one point. Then, Sir, there is another point that I would like to bring before this House, and that is about the breakneck hurry which the Government showed in passing this Bill in Assam. The popular side in that House in Assam tabled a motion for the circulation of this Bill. Government rejected that motion. Then they wanted the Bill to go to Select Committee so that all the obnoxious clauses in this Bill should be examined carefully and the Bill be amended. That very pertinent and reasonable request was also rejected by the Government. So to an outsider like me it looks in spite of the statement of my Honourable friend, Mr. Barua, as if this Bill is being forced on the people of Assam against their will. Now, Sir, we have to look on it as an all-India question. I do not challenge the statement of my Honourable

friend, Mr. Hallett, that the Bill has been passed in the Assam Council by a very large majority. It is true that this was the case, but what we find from the proceedings of the Assam Legislative Council is that the Bill was opposed by the popular side there and by the various political associations in Assam. (*An Honourable Member:* "What was the voting?") The voting was 9 to 35. I do not challenge it. I have already said that the Bill was passed by a very large majority. The question before us is whether we should support this measure on a permanent basis? The various popular Members of the Assam Council, Sir, said that there was absolutely no terrorist movement in Assam. If there are any manifestations of that movement in Assam, those manifestations may be due to the Bengali terrorists who might have come there. My Honourable friend, Mr. Hallett, has told us about the mail robbery cases and he has cited the speech of the Honourable the Home Member there to the effect that Government have in their possession material to show that the terrorist activities have existed there since 1928. Well, Sir, I do not call it terrorist activities. Such outrages have taken place in various provinces. The other day, when we were discussing the Bengal Criminal Law Amendment Bill here, my Honourable friend, Dr. Sir Nasarvanji Choksy, mentioned the terrorist activities in Bombay Presidency. I am driving at the point, Sir, that these sporadic terrorist activities, if I may call them so, have existed in various other provinces but the ordinary criminal law of the land is quite sufficient to deal with them and what I am afraid of is that if this measure is made permanent, the Bengal conditions may be repeated in Assam. I am convinced after reading the speeches of the popular side in the Assam Council and also the speeches of the responsible Members of the Assembly who come from Bengal and Assam, that in Bengal these terrorist activities could have been stamped out but for the way in which these measures are dealt with and therefore these terrorist activities are alive there. I know perfectly well that the Bill will be passed here in this Council. Therefore, I hope the Government will instruct their officials not to repeat what is going on in Bengal. Sir, in the Assam Bill we find that clauses 18 and 19 absolutely take away the powers of the Court and allow the Executive Government to deprive the people who are suspected of terrorist activities of their liberty. Sir, I do not want to take up the time of the House by narrating things which have been said in the Assam Council so far as these clauses are concerned. But I submit, Sir, that in the Bill before us—in clause 2—appeals have been allowed to the High Court from the decisions of the tribunals. Clause 3 should not have been put into the Bill so that suspects may have similar rights of getting decisions from the High Courts.

As my friend, the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra, just now told us, and as I happened to read in the papers, we have come to know of cases in Bengal where the High Courts have acquitted people on the evidence before them, and as soon as they come out of the premises of the High Court, they have been arrested and put in detention. I therefore submit that this power of the High Court under section 491 should have been retained at least in the interests of the suspects. There are various provisions in the Assam Act for curtailing the terrorist activities. I have not been able to find any salutary provisions to safeguard the interests of the innocent. I find from reading the speech of an Honourable Member of the Assam Legis-

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lative Council that Assam students go to Bengal for study and still, he submitted before the Assam Council, that no young men of Assam have been infected by the terrorist activities of Bengal. The terrorist activities of Bengal have been going on admittedly for the last 30 years, and no misguided youth of Assam has been infected by this menace. I therefore cannot understand the propriety of getting such a measure passed. If they want to have a preventive measure, they ought not to have made this Bill permanent and they also ought to have provided provisions which would guard the interests of the innocent. Sir, it is a principle of judicial science that the judiciary ought to be independent of the executive. Unfortunately during the last four or five years, we have been seeing Acts passed here as well as in some Local Councils whereby the power of the judiciary is being reduced to a minimum. It is against the principle of English jurisprudence. As I said the other day, I am over zealous to guard the powers of the High Court and I cannot find my way to support a measure like this when I find that the powers of the High Court are being taken away, and the only safeguard which is available to the innocent person is being taken away, and the suspects are not being given a chance of vindicating their character in the High Court or in the ordinary law courts.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : Sir, I feel it is my duty to oppose a drastic measure which follows closely on the heels of another similar measure passed on Saturday. The other day I implored the Honourable Members of this House to save the other provinces from the danger of infection of one kind, that is, the danger of the young men of other provinces being infected with the virus of the anarchist movement by the transfer of dangerous suspects from Bengal. Today it is my painful duty to appeal to you to save the other provinces from another danger of infection, the danger of an attack of a malady to which the Provincial Governments are easily susceptible. We find that the Government of Bengal has this malady in an incurable form, and they have taken all sorts of special powers with a view to stamp out the terrorist movement. Admittedly it is there. The Assam Government is a neighbouring Government and we find from the speeches made that the Assam Government has caught this infection, and we find Assam has been virulently attacked by this malady, whose symptoms are an insatiable thirst for unlimited and tyrannical powers and an extreme aversion to the interference of the judiciary to protect the liberties of the subject. That this malady has attacked them in virulent form is clear from the fact that the Assam Government did not even pause to consider whether the Assam Legislature had the necessary jurisdiction to confer on the Assam Government the powers which have been given to the Bengal Government. They rushed in with a Bill containing, among other clauses, clauses 15 and 29, which they asked the Assam Legislature to pass, and the Assam Legislature was only too willing to give the powers to the Assam Government. Other Provincial Governments are easily susceptible to this malady and we must therefore take care to see that this infection does not spread. We must express ourselves very strongly, though we cannot prevent the Bill being passed, so that other Provincial Governments may not follow suit and ask for similar powers, because it is easily conceivable that the Bengal anarchist movement which

consists of men with brains can easily hatch other conspiracies in other provinces. There have been sporadic instances in each and every province. In Assam, during the last three and a half years, there have been only five sporadic cases of dacoities. In one case, a sum of Rs. 15,000 was involved, and in other cases, a little more than Rs. 3,000 was involved. There were two murders no doubt. Murders have to be guarded against. I am not saying that the Assam Government should not take drastic steps to weed out this sporadic attack of anarchism. It is admitted that this disease has not become indigenous in Assam. It is only in the shape of stray imported cases during the last three and a half years. As has been pointed out by an Honourable Member from Assam in the other place, these cases were much fewer in numbers than the cases of dacoities committed in places like Benares and Cawnpore.

THE HONOURABLE THE PRESIDENT : May I draw the attention of the Honourable Member to the fact that we are not discussing in this Council the parent Bill. The Honourable Mr. Hallett referred to the parent Bill only to explain the genesis of that Bill so that we may understand the Bill which is before the Council. I would therefore request the Honourable Member to confine his observations to the Bill before the Council only. We are not going into the history and circumstances under which the Bill of 1934 was passed in Assam. Certain provisions were later thought necessary to give a fair and just trial to people convicted under the Assam Bill and therefore this legislation now seeks to provide protection to that extent. So I would ask the Honourable Member only to refer to the parent Bill so far as to explain or elucidate the provisions of this Bill before the House.

THE HONOURABLE MR. P. C. D. CHARI : Sir, I am only referring to these preliminary things to find out whether there are sufficient reasons for us to agree to the provisions of this Bill.

THE HONOURABLE THE PRESIDENT : That Bill has been passed. We have no power to revise the Assam Bill of 1934.

THE HONOURABLE MR. P. C. D. CHARI : I am coming to that point presently. Clause 2 of this Bill no doubt gives a right of appeal which is an advantage to convicted persons. It is an enabling provision and it ought to be supported if we endorse the underlying principles of the Assam Bill. My objection to clause 2 is this, that if we pass clause 2 the admission is that the objectionable features in the Assam Bill are acceptable to us, that is, we accept provisions which take away the ordinary safeguards of an accused person to get even-handed justice. Clause 2, which is clause 15 of the original Bill, is merely a sugar-coating for the bitter pills contained in the other provisions, and the Members of the Assam Legislature were induced to swallow those bitter pills because of this sugar coating. If we refuse to pass this clause we will be telling the Assam Legislature that they have swallowed the bitter portions of their Bill without this sugar-coating, and this will lead to an agitation on the part of the Members of the Assam Legislature for the repeal of the other portions of the Assam Act. If, on the other hand, we pass clause 2, it will not strengthen their hands in agitating for the repeal of the other provisions of this questionable measure which is not justified by conditions in Assam. So that, though clause 2 contains a very good provision, it is our duty to oppose it, as otherwise we would be endorsing the principles underlying the other clauses of the Assam Bill which are highly objectionable. As regards clause 3,

[Mr. P. C. D. Chari.]

Honourable Members are aware, people trained at the Bar can never accept the principle underlying it. High Courts are temples of justice and they should not be interfered with in any circumstances. But whatever may be the reasons for taking away the powers of *habeas corpus* of the Calcutta and other High Courts having regard to the terrorist activities in Bengal, no case has been made out in the case of Assam. It is a very dangerous precedent to interfere lightly with the powers of High Courts. After all, the conditions in Assam are not so very serious, and we may take it that this anarchist movement is an exotic plant which has not infected the real people of Assam; it is confined to people from across the border and the people involved in the cases quoted belong to the districts of Sylhet and Cachar.

Another objection I have to this Bill is that, if there is reason for enacting legislation of this kind for Sylhet and Cachar, why should we enact it and make it applicable to all parts of Assam. Even in Sylhet and Cachar the danger is not very great; the menace is only in its infancy and can be dealt with under the ordinary provisions of the law. But if the ordinary law of the land is not enough to deal with it, we may arm the Government of Assam with provisions in respect of Sylhet and Cachar. But the Assam Government can in fact make the provisions of their Bill applicable to all the people of Assam. What has happened is that the Assam Legislature has given powers to the Assam Government in sections 15 and 29 which they were not entitled to give and now the Assam Government, having awakened to the fact that they could not do away with the safeguards provided by the judiciary and the interference from the Calcutta High Court, have come forward and requested the Government of India to empower them in this behalf. The Government of India seems to be very indulgent but it is our duty to tell the Assam Government that the powers already taken in the Assam Act are more than enough to deal with the situation and it is not necessary for them to arm themselves with these other powers on the lines of the Bengal Act, because Bengal stands apart. There the danger is really serious and what applies to Bengal ought not to apply to a province like Assam.

With these words, Sir, I oppose this measure.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, when I read this Bill, I was not very clear in my mind as to the line which I should take in regard to clause 2 of the Bill, because at first sight it looks as if it were a safeguard in the interests of the accused, for it provides an appeal from Special Tribunals to the High Court of Calcuttta. The Honourable Mr. Hallett has, however, made the task easy for me. He stated that by passing this Bill we shall be confirming the policy of the Assam Act. If, as the Honourable Mr. Hallett says, we shall be confirming the policy of the Assam Act by passing this measure, then I must indicate my strong dissent from the policy of the Assam Act. So far as the question of policy raised by the Assam Act is concerned, I stand by everything that I said in regard to that policy in my speech on the Bengal Criminal Law Amendment Supplementary Act and I do not desire to add anything to that speech. Sir, the Assam Act—the issue has been indirectly raised—the Assam Act is an Act of extraordinary stringency, and it has not

been indicated that conditions in Assam are such that you want an Act of that character to cope with the situation there. If you read that Act, you will find that there are some provisions which to a lawyer strike him as extraordinary. Commissioners will be appointed by the Local Government. Only two of those Commissioners will be men with judicial qualifications; the third we do not know who he will be. The Local Government has been given power to withdraw cases from one set of Commissioners and transfer it to another set of Commissioners at any time before the commencement of the trial of any person under the Act. That strikes me, Sir, as an extraordinary provision. The power of transfer is vested not in the High Court, which will be a court of appeal for cases tried by the Tribunal, but it has been vested in the Local Government. Then, Sir, Commissioners will have power to convict an accused not only of an offence detailed in Schedule I, but of any offence also which he may have committed. The Code procedure will apply only in those circumstances when it is not inconsistent with the provisions of the Act. New rules of evidence have been laid down. Evidence can be taken in the absence of the accused and what is more extraordinary is that new rules of procedure for the trial of co-accused have also been laid down. Now, again, Sir, clause 11 (*4*), says:

> "No finding, sentence or order passed in a trial by Commissioners appointed under this Act shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (*1*)".

That substantially cuts the revisional power of the High Court in appeal. Sir, reasons may not even be recorded for any action in regard to this matter which the Commissioners consider necessary. Then, Sir, under clause 14 vast rule-making powers have been given to the Assam executive. Those powers include provision for all or any of the following matters, namely, times and places at which Commissioners appointed under this Act may sit——

THE HONOURABLE THE PRESIDENT: All that is not necessary to explain your opposition to clause 2 of the Bill. I will allow Members to refer to the parent Bill to explain anything in connection with the Bill before the Council. I think you are now going to criticise section by section the parent Bill.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I am not criticising section by section of the parent Bill. What I am saying is this, that the power of appeal that has been given to the High Court will not be of much used to the accused in view of the provisions of the Act. After all, the High Court will have to come to a conclusion on the material before it, but in view of the procedure, what will the High Court be able to do? That is why I have considered it necessary to refer to some of these extraordinary provisions. Sir, my own attitude in regard to this matter is this. The High Courts in India have so far enjoyed a great reputation for impartiality, for fair dealing. I do not wish the reputation of the High Courts to suffer, and I think if you lay down for the High Courts an extraordinary procedure you may be placing the High Court Judges in a very, very difficult position indeed. Therefore, for this reason, while I am not prepared to deny to the accused the right of appeal to the High Court altogether—if you must have an Act on the lines of the Assam Act—I am not very happy over the right of appeal which has been given to the High Court.

[Pandit Prakash Narain Sapru.]

Sir, with these words on this part of the Bill, I come to the other part of the Bill, the one relating to *habeas corpus*. Now, Sir, we know that, strictly speaking, in India we have outside presidency towns, no remedy known as the writ of *habeas corpus*. What we have is a remedy in the nature of a writ of *habeas corpus*. Now, Sir, what a court does under the *habeas corpus* procedure is to inquire into the legality or propriety of the arrest. Now the arrest here will be under the Assam Criminal Law Amendment Act. That Act is not, in view of the decisions of Their Lordships of the Privy Council, *ultra vires* of the Legislature. It is an Act which the Assam Legislature has passed and therefore it is not *ultra vires* of the Legislature. Now, Sir, if any man is arrested, and he applies for a writ of *habeas corpus*, what will happen ? The High Court will simply say :

"Here is an Act which empowers the executive to detain without trial. You have been arrested under this Act. Therefore your arrest is legal. We will not go into the matter any further".

They will not even issue a rule to show cause why the accused should not be produced before the High Court. Where is therefore, I ask, the necessity for this provision ? My Honourable friend, Mr. Hallett, stated the other day in connection with the debate on the Criminal Law Amendment Act that they were inserting this provision by way of over-caution. I should like him to explain why it is necessary to take away the jurisdiction of the High Courts under section 491. The High Court cannot go into the question of evidence or anything like that. All that the High Court will have to consider is whether there is a legal order. You will have a legal order here, because the Assam Act is an Act which is *intra vires* of the Legislature, and all that you have to do is to show that the arrest is under the Assam Act and that you have conformed to the procedure in regard to arrest laid down by the Assam Act. Where is therefore, I ask, the necessity for this particular clause, clause 3, and I should like the Honourable Mr. Hallett to indicate to us the necessity for this clause in this Bill ? I know that in section 491, sub section (*3*) says :

"Nothing in this section applies to persons detained under the Bengal State Prisoners Regulation, 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the State Prisoners Act, 1850, or the State Prisoners Act, 1858".

I have never been able to understand, Sir, the reason why these Regulations were included and in any case I can see no justification for including the cases under the Assam Act also under this clause.

Sir, I indicate my dissent again from the Assam Act. I do not think that it has been shown that the situation in Assam is such that it cannot be dealt with by the ordinary law of the land and in any case it has not been shown that the situation is such that you want there a permanent measure. Sir, it has been said that we have made too much of this question of permanency. Well, Sir, an Act which suspends constitutional guarantees or which substitutes the reign of executive discretion for the reign of law can be justified if at all only as a temporary measure. It is a question of principle and I do not think, Sir, the criticism that the Act is not temporary but permanent can be dismissed so lightly as it has been dismissed by the other side of the House.

12 NOON.

With these few words, Sir, I will indicate my dissent from this Act, more particularly because the Honourable Mr. Hallett has indicated that by accepting this Act we shall be confirming the policy of the Assam Act.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras : Non-Muhammadan) : Sir, the Honourable mover of the Motion has clearly stated the reason why the Assam Government wants this Bill to be legislated here. I think my Honourable friend Mr. Chari said that because there were only two murders we did not want any of these measures to be introduced in Assam, but that the Assam Bill is quite enough. But I may inform him that this is only a permissive measure so that the hands of the Assam Government may be strengthened to see that this contagion does not spread and is put down with a strong hand. It is a very simple question. Bengal and Assam are not very far apart and any of these people may take shelter there and induce some of the young men there to follow in their footsteps. Therefore, I think that the Assam Government will not be able to use these provisions unless this Act is put on the Statute-book.

Sir, my Honourable friend, Mr. Barua, the representative of Assam, has very strongly supported this measure. He thought that it should be enacted and he hoped that when the movement subsided there would be no necessity for continuing these provisions on the Statute-book. When an elected Member coming from that province gives the measure his support, there can be no doubt as to its necessity. Sir, the Assam Council has passed the Bill by an overwhelming majority of 35 to 9, which shows that a large number of elected representatives have supported the measure, all that is required is that we should put our seal-mark on it and I do not see any reason why there should be any opposition in a matter of this kind. There can be no two opinions as to where our duty lies. When the Government wants to pass a measure of this sort, it is our duty to strengthen their hands by giving it our whole-hearted support to suppress the menace of terrorism.

Sir, I support the Bill.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, my friends the Honourable Mr. Mehrotra and the Honourable Mr. Chari have said that when the conditions in Bengal and Assam are not similar, what is the reason for a similar law being passed for both places ? To me, Sir, the reply is very simple. The Government of the people of the province do not want that the conditions in Assam should become similar to the conditions in Bengal and that is the reason why in Assam the main Bill was passed by such a vast majority in the Local Council.

Then, Sir, my Honourable friend, Mr. Mehrotra, has said in Assam there were only two murders. May I ask my Honourable friend what is the minimum number of murders in his opinion which would justify the Government in taking preventive measures ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : On a point of explanation, Sir, I meant, by putting these figures, to show that there is a difference between the conditions in Bengal and Assam.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : The Honourable Member said two murders only.

[Nawab Malik Mohammad Hayat Khan Noon.]

Then, Sir, it is true that in Assam proper, the residents have so far escaped the infection of terrorism but at the same time there is a danger of that infection and when the Honourable Member from Assam admits the necessity and the desirability of this law, I would say, Sir, that we the outsiders have no good reason to disbelieve him. The Honourable Mr. Mehrotra who lives hundreds of miles away from Assam and who has perhaps never been to Assam I would say is not justified in contradicting the opinion of the Honourable Mr. Barua as regards the situation in Assam.

Then, Sir, my Honourable friend's opposition to the Bill is not so much in the interests of the people as in the interests of the outsider who may go to take shelter and get arrested in Assam. My Honourable friend, Mr. Chari, has said so much about the infection of provincial Governments. I confess, Sir, I have not been able to follow that argument. Now before us is the question of infection of terrorism from province to province, and if the Government of the provinces concerned take action to prevent that infection I would not call that as an infection of Local Governments.

With these words, Sir, I support the Bill.

THE HONOURABLE MR. M. G. HALLETT : Sir, I do not think it is necessary for me to speak at any great length in reply. I am afraid that if the opposition were not converted by the arguments which were put forward on the two previous occasions I have not much hope of converting them by any new argument. It was contended that there was not sufficient justification for this Act in Assam, that the situation was not as bad as it was painted. The Honourable Mr. Kalikar quoted two non-official Members of the Council as against the quotation made by me from the speech of the Honourable the Home Member. The whole difficulty in regard to these terrorist matters is that Government cannot, owing to the very nature of the movement which they are fighting, put all their cards on the table. We cannot show to all the non-official Members either of the Local Council or of the Central Council all the evidence we have got regarding the activities in the province. In the case of Assam, as I have said, the Honourable Member in charge, although he was himself reluctant to take these special powers, was at last convinced by the evidence produced before him that it was absolutely necessary. We must accept his word for it and that was the view taken by the Honourable Mr. Barua, whose support to this Bill is extremely valuable as it represents the opinion of the people of Assam themselves. The Honourable Mr. Mehrotra was apparently disposed to minimise the dacoities committed. I quite admit there have not been very many dacoities but you must remember that these dacoities have taken place over a very small area, a single district, whereas in Bengal the terrorist movement extends over a much larger area. Having regard to the size of the area, the number of dacoities must be regarded as serious. The Honourable Member does not apparently regard dacoities as serious ; this makes me inclined to express the hope that similar crimes may take place nearer his own home, then perhaps he will realise the seriousness of these dacoities and mail robberies. Then, Sir, he went on to refer to the fact that I had stated that for certain reasons we could not always prosecute people in court, and that therefore we had to take executive action.

That is quite true, but I wish to make it perfectly clear that wherever possible Government do prosecute people in court. Look at the numerous cases going on in Bengal today : look at the case in Darjeeling now ; look at the important conspiracy case which has been going on for nearly a year in Calcutta, of which possibly people have not heard. Wherever there is no danger to our witnesses, when the evidence can be made public, then we do institute prosecutions. But in some cases, for the reasons I have explained the other day—I may remind Honourable Members of the quotation I gave from a letter of Lord Morley—we have to use these special executive powers.

Another point which was made was that in some cases an accused acquitted by a High Court is immediately afterwards arrested by the police. That, I admit, does happen in certain cases. But I would refer Honourable Members to the speech delivered by the Honourable the Home Member in another place. He quoted from his own experience of the case of an accused who was acquitted by the High Court. The Judge with whom he happened to have a talk about the case admitted that he was quite satisfied that the accused was guilty. The accused was dealt with under Regulation III and was put away. Shortly afterwards, the accused himself made a complete statement admitting his guilt and giving a whole history of the case. The reason for such action is, as the Honourable Sir Henry Craik pointed out, that the rules of evidence are such that the High Court being bound by these rules, occasionally—not very often, but occasionally—have to direct the acquittal of a man who is known to be guilty. In such cases, Government have to take action ; they would be failing in their duty if they did not. Another point which was raised, and to which I may refer briefly is, " Why not have these powers for all the provinces ?" I tried to make it clear that Sylhet is really a part of Bengal. That is the real reason why Assam wants these powers. It is one and the same organization functioning in Bengal and in that part of Assam. The organization, I am glad to say, has not spread to the other provinces. There have been signs of it in Burma, but Burma took special powers in the year 1931 when they were threatened with terrorist activities by the Bengalis who have settled there. Those powers are still on the Statute-book. In Bihar, the province from which I come, they have some additional powers which were obtained by the Act which was passed last year, and which are not very drastic but help them in dealing with terrorist suspects. The real difference between Bengal and Bihar, the real reason why Bihar does not as yet need such drastic powers, is that the people of Bihar are ethnologically and linguistically different from the people of Bengal. If a Bengali comes into any part of Bihar, especially the aboriginal tracts of the Sonthal Parganas which are adjacent to Bengal, he can be spotted at once and can be watched and that is one of the reasons why the police of Bihar have been specially lucky or specially efficient in dealing with attempts to carry on the terrorist movement in their province.

I do not propose to go into the details of the Assam Act which was exhaustively analysed by the Honourable Mr. Sapru ; that does not seem to be relevant to this discussion. The Assam Council considered all these points of detail very fully ; they had a very full debate, they had numerous divisions, and I see that at the end of the discussion the President congratulated them on the manner in which such an important Bill had been discussed. An

[Mr. M. G. Hallett.]

attempt has been made to discredit the Assam Council. An attempt was made the day before yesterday to discredit the Bengal Council. I think that is a very unfair view to take of these representative institutions. After all, they are elected bodies, and we must assume that they come to their decisions with a full sense of their responsibility. They in fact in my view deserve the greatest credit for not being afraid of the situation and for arming the Government with the powers which are necessary.

Sir, I have nothing more to add and I trust the House will agree by a large majority to take this Bill into consideration.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, 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 : The Question is :

"That clause 3 stand part of the Bill."

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Sir, I oppose clause 3 for the reasons I have already given.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan): Sir, I beg to oppose clause 3 standing part of the Bill. This clause contains a provision which has been the subject of criticism and opposition both in this House and in the lower House in connection with the discussion of the Bengal Criminal Law Amendment Supplementary Act, this year as well as in 1932, as also in the course of discussion on the floor of this House this morning. The provision contained in this clause seeks to curtail the powers of High Courts which they possess under section 491 of the Criminal Procedure Code, *i.e.*, powers of the nature of a *habeas corpus*. If the clause is allowed to stand as part of the Bill, it would mean the taking away of the only effective remedy available to a subject of questioning the acts of the executive. This, Sir, is to my mind a serious matter. We must remember that under the provisions of the Bill we are conceding the principle of detention without trial. Now supposing that the detention of a person under the Assam Criminal Law Amendment Act is unlawful because the conditions of the Statute have, for example, not been complied with, or say, the order has not been passed by the proper authority, there is no reason why a subject should be deprived of his remedy under section 491 of the Criminal Procedure Code and an important principle of law, namely, that a person has a right to be protected from illegal imprisonment, should be departed from in the case of these suspects. In my opinion, a very important principle of law is involved in the provisions of this clause, and we should not be a party to the enactment of such a clause, especially when, as has been admitted by the Government, the conditions are not so serious in Assam as in the sister province of Bengal. Then, Sir, the Honourable Mr. Hallett in his speech on the Bengal Criminal Law Amendment Supplementary

(Extending) Act stated the other day that the Government were making provisions of this nature by way of over caution, as has just been pointed out by my Honourable friend Mr. Sapru. I do not, therefore, think that it is right or necessary to make provisions of this nature in this Bill. I therefore oppose this clause standing part of the Bill.

THE HONOURABLE THE PRESIDENT : The Question is :

"That clause 3 sta nd part of the Bill."

The Council divided :

AYES—32.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.	Miller, the Honourable Mr. E.
Banerjee, the Honourable Mr. Jagadish Chandra.	Mitchell, the Honourable Mr. D. G.
Barua, the Honourable Srijut Heramba Prosad.	Mitha, the Honourable Sir Suleman Cassim Haji.
Charanjit Singh, the Honourable Raja.	Nair, the Honourable Mr. C. Govindan.
Chetty, the Honourable Diwan Bahadur G. Narayanaswami.	Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.	Padshah Sahib Bahadur, the Honourable Saiyid Mohamed.
Crosthwaite, the Honourable Mr. H. S.	Pandit, the Honourable Sardar Shri Jagannath Maharaj.
Devadoss, the Honourable Sir David.	Parsons, the Honourable Sir Alan.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.	Philip, the Honourable Mr. C. L.
Ghosh Maulik, the Honourable Mr. Satyendra Chandra.	Ray of Dinajpur, the Honourable Maharaja Jagadish Nath.
Hafeez, the Honourable Khan Bahadur Syed Abdul.	Raza Ali, the Honourable Saiyid.
Hallett, the Honourable Mr. M. G.	Russell, the Honourable Sir Guthrie.
Hidayatallah, the Honourable Sir Ghulam Husain.	Stewart, the Honourable Mr. F. W.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.	Stewart, the Honourable Mr. T. A.
Menon, the Honourable Diwan Bahadur Sir Ramunni.	Suhrawardy, the Honourable Mr. Mahmood.
	Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
	Wingate, the Honourable Mr. R. E. L.

NOES—6.

Chari, the Honourable Mr. P. C. D.	Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.
Jagdish Prasad, the Honourable Rai Bahadur Lala.	Sapru, the Honourable Pandit Prakash Narain.
Kalikar, the Honourable Mr. Vinayak Vithal.	Sethna, the Honourable Sir Phiroze.

The Motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 1 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I beg to move:

"That to clause 1, the following be added, namely:

'It shall remain in force for a period not exceeding three years'."

The object I have in view is that the Bill should not be made permanent from the very outset. We all know that when the Bengal Criminal Law Amendment Supplementary Act was introduced in 1932 it was for three years only, and after two and a half years that the Government has come forward to make it permanent. But I find that in the case of this Act the Government wants to make it permanent from the very beginning. Sir, we have all agreed that the conditions in Assam and Bengal differ and I do not want to dwell on the fact, which has been accepted by the Honourable Mr. Hallett here and by the Honourable Home Member in the other House. So I do not see what is the reason for making this Act permanent from the very outset. I do not know whether the Honourable Members on the other side are aware of it, but it is publicly said that the Government is taking advantage of the present Legislatures, which are very amenable to their wishes, and bringing forward repressive measures and having them put permanently on the Statute-book. It is said that with the threatened advent of the Congress into the Legislatures the Government is hurrying up all these measures. I would request the Government not to do such things by which they place themselves in a false position, as well as us, who are responsible co-operators and are prepared to support the Government in all reasonable actions. Therefore it is not out of regard for them alone but for ourselves also that we press the point and request that the Bill, if passed at all, should be for three years only, during which the Government can see what happens and how things go. They will also thus give the lie to the rumour current outside the Council Houses.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That to clause 1, the following be added, namely:

'It shall remain in force for a period not exceeding three years'."

THE HONOURABLE THE PRESIDENT: The Question is:

"That that amendment be made."

The Motion was negatived.

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 to supplement the Assam Criminal Law Amendment Act, 1934, as passed by the Legislative Assembly, be passed."

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, it only remains for me to express my dissent with the main policy of the parent Act. The question of the policy of the parent Act was raised by the Honourable Mr. Hallett and therefore it is necessary for us to indicate our dissent from that policy.

THE HONOURABLE THE PRESIDENT: I have already explained to Honourable Members that the Honourable Mr. Hallett referred to the parent Bill only to explain the provisions of this Bill.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: With all respect to you, Sir, may I say that the Honourable Mr. Hallett stated that by passing this Bill we shall be confirming the policy of the parent Act. What I want to say is that our objection is not so much to clause 2 of the Bill as to the parent Act itself. Now, Sir, so far as clause 3 is concerned, I have heard nothing from him as regards the necessity of that clause, votes have gone against us—they were bound to go against us—but our arguments have not been answered. In view of that fact, Sir, it becomes necessary for us to place on record our dissent.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, as a very innocent amendment moved by my Honourable friend Mr. Mathura Prasad Mehrotra has not been accepted by the Government, we have no other way but to oppose this Bill. Sir, I am personally opposed to give, as I said in the beginning of my speech, more powers to the executive and to make inroads on the powers of the judiciary; especially in the case of Assam, it is against my conscience to give powers to the executive when conditions in Assam and Bengal are different. The other day my Honourable friend Mr. Hallett quoted John Morley, and——

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Sir, I rise to a point of order. Is the Honourable Member entitled to criticise the decision of this House, which has passed the First and Second Reading of the Bill?

THE HONOURABLE THE PRESIDENT: He is only explaining his attitude towards the Bill. He is at perfect liberty to make any reference to it.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, if I read this passage, I read this only to show to my Honourable friend Mr. Hallett how deeply John Morley, our late Secretary of State, was concerned with the repressive laws. He was most unwilling and most unsatisfied with the policy of the Government. Therefore in order to show him how deeply concerned he was I am going to read this passage. This passage will be found at page 215 of John Morley's Recollections:

"'Tis like the Czar and the Duma. Are we to say, You shall have reforms when you are quiet. Meanwhile, we will not listen to a word you say. Our reform projects are hung up. Meanwhile plenty of courts martial, *lettres de cachet*, and the other paraphernalia of law and order. People here who have been shouting against the Grand Dukes in Petersburg for bullying the Duma, will shout equally vociferously against you and me if we do not in our own sphere borrow the Grand Duke policy".

Then, Sir, on page 217, about deportation he says:

"Deportation is an ugly dose for Radicals to swallow; in truth if I do not happen to possess a spotless character as an anti-coercionist in Ireland our friends would certainly

[Mr. Vinayak Vithal Kalikar.]

have kicked a good deal. As it is, if a division is forced after my speech, we shall have against us the Irishmen, most if not all of the Labour men, and a fair handful of our ordinary rank and file. This may put me personally into something of a hole ; for I do not see how I can carry on, if I found myself opposed by a majority of our own party. However, we need not say good morrow to the Devil until we meet him.

" I suspect your difficulties will only now be beginning, for the reactionaries are sure, after getting their first mouthful of energy, to clamour for more—right and left. Personally I am not at all squeamish in such a community, or mass of communities, as India is, for a conflagration there would be too terrible. The worst of it is that we do not really know, and cannot know, what is going on in the subterranean depths of the people's own minds".

That shows, Sir, how deeply he was concerned with these repressive laws. As I said in the beginning of my speech, I would have considered the claims of the Government in passing this repressive law if they had taken us into their confidence and shown us the material justifying the necessity of these repressive laws.

As stated by my Honourable friend, Mr. Hallett, Government cannot lay their cards on the table, and therefore we on this side are not willing to allow Government to pass repressive laws when we do not feel any necessity for those laws in Assam, and therefore, Sir, we protest against it and I oppose the Bill.

THE HONOURABLE MR. M. G. HALLETT : I do not wish to say much more on this Bill, nor do I attempt to answer all the arguments put forward for I have dealt with most of these points in my speeches on the Bengal Bill. I would like however to make a reference to the point raised by the Honourbale Mr. Barua at the end of his excellent speech in support of the Bill and by so doing I may meet some of the objections urged by the opposition. The Honourable Mr. Barua hoped that the Government of Assam would not allow this Bill to continue in force any longer than was necessary and that they would be very careful as regards extensions of the Act. I think I can satisfy the Honourable Member on those two points ; I mentioned in my first speech that the Assam Government have only put it into force in two districts, and I am sure they will not extend it to other districts unless there are urgent reasons for so doing. The Honourable Sir Muhammad Saadulla, the Home Member, explained how reluctant he was to enact this legislation ; and that he only did so when he had convincing reasons of its urgent necessity. It may be inferred from that that the Assam Government was reluctant to extend its provisions and will only agree to an extension if they find it absolutely essential. They will no doubt take the earliest opportunity of withdrawing this Bill from those districts in which it is in force as soon as they consider it safe not only in their own interests, but also in the interests of Bengal.

THE HONOURABLE THE PRESIDENT : The Question is :

" That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 22nd August, 1934.

COUNCIL OF STATE.

Wednesday, 22nd August, 1934.

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

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 meeting held on the 20th August, 1934, namely :

A Bill to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances ;

A Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India ; and

A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have received a Message to convey to you from His Excellency the Governor General. The Message runs thus :

" *In pursuance of sub-section (3) of section 63A of the Government of India Act, I, Freeman, Earl of Willingdon, hereby require the attendance of the Members of the Council of State in the Assembly Chamber at Simla at 11 o'clock on Wednesday, the 29th August, 1934* ".

Simla,
The 21st August, 1934.

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

(The Message was received by the Council, standing.)

I have also received a demi-official letter from the Private Secretary to His Excellency the Governor General and I will read to you the last paragraph of that letter.

" His Excellency will be arriving in state for the ceremony and will be wearing levy dress which will be worn by those Members of the Assembly who are in possession of such uniforms. Others should wear the most formal dress they have ".

RESOLUTION *RE* ENFORCEMENT OF THE PROVISIONS OF THE CHILD MARRIAGE RESTRAINT ACT.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, I beg to move the following Resolution :

" That this Council recommends to the Governor General in Council that proper steps be taken including the revision of the law if necessary, to enforce more rigidly the provisions of the Child Marriage Restraint Act (Act No. XIX of 1929) so as to increase the chances of offenders being brought to book and minimize the chances of evasion of the law ."

Sir, the Child Marriage Restraint Act (popularly known as the Sarda Act) that was passed by the Central Legislature in 1929 was designed to meet the evil of child marriage in India. And all social reformers were happy at that time to think that the evil of child marriage which was eating into the vitals of Indian society would be stopped by means of this law. But, Sir, four years' experience of the working of the Act has proved that it has failed to check the evil to any appreciable extent. In fact, it is more or less a dead letter as hundreds and thousands of marriages are being solemnised in the country in contravention of the provisions of the Act without the offenders being brought to book. This, Sir, is a deplorable state of things. It was an admirable act of the Government to have joined the advanced section of the two Houses of the Central Legislature in seeing the Child Marriage Restraint Act brought on the Statute-book. This action was in consonance with advanced public opinion in the country. But, Sir, having once enacted a law it is, I think, the duty of the Government to see that the provisions of the law are observed in practice, otherwise it is no use making a law if its provisions are respected more in the breach than in observance. And yet this is the case with the Child Marriage Restraint Act. The reason is not far to seek. It appears to be nobody's concern to detect child marriages and to bring the offenders to book. According to section 9 of the Act no court can take cognizance of any offence under the Act save upon complaint made, and the complainant has to conduct the case throughout in a regular manner. Section 11 of the Act even provides for the taking by the court of security from the complainant for a sum not exceeding Rs. 100 for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure. All which shows that there are great handicaps in the way of complaints of child marriages reaching a court of law, for very few persons would care to undergo all the worry and expense of fighting out a regular suit on the one hand and antagonising the persons who have broken the law on the other. True, there have been sporadic cases in places in which people have come forward to conduct such cases in court and as a consequence the offenders have been punished, but such cases have been few and far between.

Sir, I realise that in such matters we must go very cautiously as there is a likelihood of the law becoming an engine of oppression if, for example, cognizance of offences under such laws were to be vested in the police. But I feel that something should yet be done to see that the Act does not remain a dead letter but that its beneficial provisions have their salubrious effect on society. Sir, I do not think it is necessary for me to recapitulate the evils of child marriages in India as I believe that they are admitted on all hands. There can be no doubt that the causes of the deteriorating Indian physique, our diminishing

vitality, our susceptibility to disease, our high infant and maternal mortality, our reduced longevity and our low expectation of life, as compared with other countries, are in a great measure attributable to the custom of early marriage prevailing in India. Sir, if you would just look up the latest Census Report of India, Volume I, you will come across the following passage in it :

"In a written statement made to the Age of Consent Committee the Assistant Director of Public Health observed that proportionate to the high maternal and child mortality ' there is a vast number of invalids or physical wrecks among the survivals ', and even in Travancore State, more advanced in this respect, perhaps, than any part of India except the adjoining state of Cochin, the Census Commissioner of the State is able to pronounce that—

' The highest female mortality, which exceeds that of males by 60 to 61 per 1,000 occurs in the age-period 15—30, and must certainly be attributed to the early marriage of girls and the consequent premature maternity. Death of young mothers at child-birth is not an uncommon occurrence, but more common than this, however, is the death of women in the later period of maturity, say, between the years of 20 and 30 brought on by the physical exhaustion, the nervous break-down, and other ailments, which are the aftermath of premature child-bearing '."

Later on, Sir, we find the following view expressed :

" Sir John Megaw estimates that ' 100 out of every 1,000 girl wives are doomed to die in child-birth before they have ceased to have babies, and about 200,000 mothers die in giving birth to children every year in India '."

Sir, the following comparative figures of infantile deaths under one year per 1,000 living births in the case of India and some important foreign countries will be found interesting.

These figures are for the year 1930 for which statistics are available :

India	180
United Kingdom	63
France	78
Germany	85
United States of America	65

These figures have been taken from the Statistical Year Book of the League of Nations for 1932-33.

Then, Sir, Mr. P. K. Wattal, in his interesting book, *The Population Problem in India* in commenting on the immense wastage of life which takes place in India, observes :

" As conditions are today the life table (for males) indicates that out of 100,000 children born alive only 52,439 or a little over one-half attain the age of majority (18) in India".

As for the low expectation of life in India the extreme prevalence of early marriage is said to be its cause.

I will not tire the patience of the Council by quoting more figures to show that in the matter of national physique and infantile and maternal mortality, India compares very unfavourably with the countries of the west. And it does not require a prophet to prove that the cause is to a large extent to be attributable to the prevalence of immature marriages in this country. Sir, it may be argued that in spite of the high rate of mortality the population of India has vastly increased during the last decade. To this my reply is that to meet the problem of the growing population of India we will have to think of

[Rai Bahadur Lala Jagdish Prasad.]

the much talked of " birth-control " by resorting to what are called contraceptive methods. But the fact of the increase in the population of India does not detract from the desirability of reducing our infant and maternal mortality and improving our national physique. Of what use is the growing population of India if we become physical wrecks ? Post-puberty marriages will, I am sure, in themselves exercise a check, according to medical opinion, in keeping down the number of births. Now, the question arises, what should be done to prevent early marriages in India and to enforce more rigidly the provisions of the Child Marriage Restraint Act. My answer to this is that it is for the Indian politicians no less than for the Government to tackle this problem. And as the Central Legislature is composed of both the chosen representatives of the public and of the Government and is the only statutory body which can effectively deal with the matter, the burden ultimately falls on us to take the initiative. It is considered by some people that in such matters it is the society which should take action, namely, that there ought to be some social organizations who should both carry on a sort of educative propaganda against early marriages and launch prosecutions of offenders in courts. I agree. But if we leave the matter entirely to such non-official organizations, my fear is that we may perhaps have to wait for the complete abolition of the evil of early marriage till Doomsday.

Sir, I have given some thought to this question and would like to put forward my views in this connection for the consideration of the House. I think that instead of throwing all the burden of launching prosecutions of offenders against the Sarda Act on private individuals and relying entirely on them for the regular conduct of cases in law courts as complainants, it would be better if the law is so revised that private individuals should be expected only to file a complaint and no more in the court of a special officer to be attached to each district who should not be below the rank of a deputy magistrate with first class powers. The complaint should be enquired into by such officer himself or through some reliable agency (not the police) and after such necessary enquiry, that officer should do all that may be necessary to conduct prosecutions as if the case were on behalf of the Crown. Of course, to exclude the possibility of frivolous complaints being filed, section 11 of the Act can still be there which requires a security to be furnished by the complainant. But what I wish to suggest is that the entire burden of conducting such cases in the capacity of a complainant should not be thrown on private individuals if we are anxious to see that the provisions of the Child Marriage Restraint Act are observed in practice. For, you can only expect private people to give the courts necessary information of cases where the provisions of the law have been infringed, but it is too much to expect them to take all the burden of fighting out the cases on themselves. If this or some other similar suggestion is adopted, I think that while on the one hand there will be no danger of interference of an agency like the police in such cases, on the other hand an effective agency would be found to check the evil.

I hope, Sir, that the House will agree with me that something effective should be done to stop the evil of early marriage in order to ensure the physical well-being of Indians and in the interest of the longevity of the nation; for political advancement which we are so much after will be of no avail until it is

accompanied in the case of individuals of the nation by a sound mind in a healthy body.

With these words, Sir, I commend my Resolution to the acceptance of the House.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I agree with the Resolution of my Honourable friend Rai Bahadur Lala Jagdish Prasad so far as it concerns the Hindus, for the Hindu community has suffered most from the evils of child marriages, but as regards the Muslims I am sorry that I cannot see eye to eye with him in the matter of enforcing more rigidly the provisions of the Child Marriage Restraint Act of 1929. The reasons for my saying so are that the enforcement of this Act amongst the Muhammadans will be taken as an interference into our *Shariat* otherwise known as the Muhammadan Law. Now according to Islamic Law there is no age-limit of marriage but the condition laid down is the age of maturity for the couple. It is quite a simple and practicable rule which can be observed with all easiness in all the countries and through all the ages. It can be acted upon by every class of people, no matter whether they are the inhabitants of a warm climate or cold.

As to the age of maturity, Sir, it differs according to the climate of a place and the profession of the people concerned. For instance, in Madras it is 12 years, in Bengal from 13 to 14 years and in the Punjab and the North-West Frontier Province from 14 to 16 years ; these are the findings of the Age of Consent Committee appointed in connection with the Child Marriage Bill. Although I know it full well that in my part of the country marriages do not take place below the age of 20 years but what I want to impress upon the Honourable Members of this House is the fact that the Mussalman cannot suffer to be led by legislation in matters relating to their marriages except in accordance with their *Shariat*.

It is said that the passing of this Bill is a step forward towards the progress of society. Well, Sir, opinions differ. The supporters of the Bill might think so about it but the orthodox Muslims cannot go beyond Muhammadan Law and as such I would ask my friend the mover of the Resolution that if he wants to do anything with regard to his community I am quite willing to back him up, but as regards Muslims I would request him not to press the matter upon them. It is specially uncalled for in their case when their marriages take place in the event of the pair reaching the age of maturity. It may differ according to the climate of a place and the profession of the people, but when the marriages are solemnised by mutual consent and there is no objection against them by the parties, nor any complaint made to the Government, I do not see any reason why the Government should be asked to take any legal action against such marriages which are solemnised according to the Islamic Law and mutual consent of the parties.

Sir, in connection with this Resolution I am prepared to back it so far as it concerns the Hindu population but not the Mussalmans.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa : Nominated Non-Official) : Sir, I rise to oppose the Resolution. I belong to that school of thought which is opposed to any legislative interference in social and religious matters. I believe that social and religious reforms can be best carried out by the creation of public

[Maharajadhiraja Sir Kameshwar Singh of Darbhanga.]

opinion in their favour rather than by enacting laws that are contrary to the opinions held by the people affected by them. The very fact that my Honourable friend has brought forward this Resolution is enough to show that those who were dreaming that a paradise will be created in the social world by the fool's day measure called the Child Marriage Restraint Act and popularly known as the Sarda Act, were dreaming of a Fool's Paradise. The House is aware that the measure disturbed the religious feelings of the Mussalmans and the bulk of the Hindu population of this country who may collectively be called the Sanatanists. The resentment was so strong and the panic created was so great that a large number of marriages took place in the period during which the law was being enacted and promulgated. Now that the Act has been promulgated, the opinion has also hardened and it is held that it is better to suffer the penalty imposed by the temporal power than to do an act which is opposed to the teaching of our *Shastras*. This law has weakened the hands of those who were in favour of raising the marriageable age as far as practicable within the limits sanctioned by the religious books. If the Act has become a dead letter, it is due to the scanty regard which the reformers paid to the arguments and sentiments of those who were going to be affected by it. The events that have followed the enactment of the measure should convince the Government that any departure on their part from the religious neutrality solemnly promised to the people of this country by Her late Majesty Queen Victoria of revered memory is sure to cause unrest and disturb the peace and tranquillity of His Majesty's law-abiding subjects in this country. With the experiences of the last few years, I think that it is time now for the Government to consider the advisability of repealing the law, which is honoured more in its breach than in its observance.

The proposition which my Honourable friend has put forward before the House is bound to create a serious situation in the country. After all, this pernicious measure, apart from violating the religious beliefs of a very large number of people, apart from attempting to bring about a social revolution, is encroaching upon their domestic life. It has not succeeded because it is vehemently resented by a large section of the people ; and if any further attempt is made to make it more stringent it will serve no other purpose than of further embittering the feelings of those whose life and conduct are guided by religious tenets propounded by prophets and seers. I wonder if the Government can in the interest of the law and order afford to alienate the sympathy of such a vast bulk of the people by accepting the Resolution of my Honourable friend.

Sir, my apprehensions are that at present prosecutions under the law are generally started not so much with the genuine desire to bring about social reform as by reason of local animosity with a view to humiliate the accused. May I ask the social revolutionaries what action they themselves have taken to educate public opinion in favour of the law ? I do not know if they have any organization functioning for the purpose. I am equally unaware of the means they have adopted to bring about what they believe to be a much needed social reform ? If they would have done even a little there would perhaps have been no necessity for my Honourable friend to bring forward a Resolution of this kind. Now with what face can these people come to the

Government for helping them in a cause for which they are not doing their part ?

Sir, it is a well known fact that the law did not help the formation of public opinion in its favour, as the Government hoped ; rather it created a wide gulf between the reforming and the orthodox section of the Hindu and Muslim communities and consequently I consider that the law is not merely useless but grossly mischievous. The Government should not have supported it and the Legislatures should not have passed it even with the safeguards contained in its provisions. Social conditions in India are fundamentally different from those in other parts of the world. India should be allowed to be developed on its own lines. Let us not talk too freely about world opinion when a question concerning her domestic life is concerned. She has always maintained her individuality by reason of her religion, culture and tradition, and had for a long time occupied a proud position among the nations of the world. She has her own notions of right and wrong. Any attempt to suppress those long cherished notions and beliefs are bound to be unsuccessful. The Widow Remarriage Act, as well as the provisions regarding the age of consent may be taken as instances of the same. The abolition of *Sati* has succeeded because the popular opinion against taking human life by force gathered strength. Honourable exceptions like these should not be taken as a rule or a guide for tampering freely with religious matters. I admit that changes are brought about in social customs and practices but they are brought about by general consent of the society, by the formation of public opinion and not by enacting laws in the teeth of the popular opposition.

My Honourable friend, I regret to say, is overlooking facts and does not go to the bottom of the problem in advocating the revision of the law with a view to make its provisions more drastic and penalty more deterrent. He is inviting more acrimony, more unrest and a greater division in the Hindu fold by his Resolution. I hope that this Honourable House will reject it and not recommend to the Government a course of action which is calculated to do not only no good to the country but positive harm.

Sir, I strongly oppose the Resolution before the House.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I congratulate my friend the Honourable Rai Bahadur Lala Jagdish Prasad on the Resolution that he has moved in this Council today. Sir, I think in the Twentieth Century it does not need any argument to prove that child marriage is a vicious custom, a bad custom and a cruel custom. Sir, the Honourable the Maharajadhiraja of Darbhanga would not have the State intervene in social and religious matters. I would say, Sir, that it is not interfering in social and religious matters. I do not find, Sir, any sanction for child marriage in the Hindu *Shastras* or in the Hindu religion. I speak as a Hindu ; I have no right to speak for the Muslim, for whom the Honourable Nawab Sir Mahomed Akbar Khan has spoken. There is no doubt that this system of child marriage is having a pernicious effect upon our whole social life. It is lowering our vitality and it is affecting our physique and it is affecting our prestige as a nation. The Honourable the Maharajadhiraja of Darbhanga has said that India occupies a proud position among the nations of the world. I wish she did. If the Honourable the Maharajadhiraja of Darbhanga would read some of the books

[Pandit Prakash Narain Sapru.]

on Hindu social life—and I do not blame those authors because, frankly speaking, in many respects the Hindu is an abnormal creature and he lives an abnormal life and he must not feel hurt when a normal world judges him by normal standards—if he will read some of the books that are written about Hindu religion and social customs, he will not feel that world opinion is really in favour of the Hindu social system. I think, Sir, in our struggle for freedom we do need to have world opinion with us and this fear of world opinion is one of the main factors working for social reform in this country.

Then, Sir, it is said that the State ought not to interfere in social matters. The State has in the past interfered in social matters. It interfered in the case of the Hindu widow, it interfered in the case of *Sati*. I would say that child marriage is on the same footing as *Sati*. I cannot really distinguish between permanent suicide and this suicide in the form of child marriage. I say, Sir, that if you allow child marriage you are allowing suicide in your society and for that reason I think there ought to be interference by the State in regard to this matter.

I have just said that I have no right to speak for the Muslim community but I may just give you my personal experience. I have a Mussalman servant. He has been with me for over 15 years. He is my personal bearer. Some four years ago, I think it was before the passing of the Sarda Act, he came to me and wanted me to give him some help for his daughter's wedding. I asked him what the age of his daughter was. He said she was six. He is a very faithful servant and I really wanted to help him. I said I would not give him any help because he was doing a thing which was absolutely immoral and that he ought not to marry his daughter at that age. He said, "It may be so, but I cannot help it, because my *bradri* will outcaste me if I do not have her married now". I said, "Fortunately you are a Muslim, you have no *bradri*. Why do you talk of the *bradri*?" I gathered, Sir, that he was a Hindu convert, his forefathers had been Hindus and that they had been converted to Islam and they had carried this bad system with them. Sir, I will say this, that among the Muslims in our part, this system is not unknown. They are just as bad in this regard as the Hindus, and I should be very sorry for the Muslim community if the Honourable Nawab Sir Mahomed Akbar Khan represents the real mind of the Muslim community in this matter, Sir, it has been said that this question of child marriage is really a question for social reformers. I agree. We have our responsibility in this matter, but you have also your responsibility Law can guide and indeed influence public opinion and law ought to guide and influence public opinion in this matter. Then, my Honourable friend Rai Bahadur Lala Jagdish Prasad suggested some ways in which the law could be made more stringent or could be enforced more strictly. Sir, I would go even further than my Honourable friend Rai Bahadur Lala Jagdish Prasad in this respect. I would invalidate all child marriages. As a matter of fact if I were to speak out my real mind, I do not know that I believe in the present Hindu system of arranged marriages and I think, Sir, that the time has come when we who represent what might be called the protestant movement in Hinduism ought to make it clear to our orthodox friends that while we respect their orthodox beliefs we are not prepared to subscribe to everything

that they say. We ought to make it clear that we have a different conception of what Hinduism is or Hinduism or Hindu society ought to stand for in the life of the country. Sir, there is this division among the Hindus on this question but I will say that the time forces are with us, that right is with us, that justice is with us, that truth is with us, that conviction is with us, and that notwithstanding the opposition of our orthodox Sanatanist friends—we are having their opposition in the matter of untouchability—notwithstanding their opposition we shall win and that we shall be able by devoted effort to remove this cruel system from this land of ours.

With these words, Sir, I give my very hearty support to the Resolution of the Honourable Rai Bahadur Lala Jagdish Prasad. I am particularly glad that a Resolution like this has been brought forward by the Honourable Rai Bahadur Lala Jagdish Prasad, because he is a representative of orthodox Hindu opinion, and does not belong to the iconoclast class to which I belong.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, when the Sarda Bill came before this House for consideration, I was one of those who supported that Bill and I supported that Bill in my personal capacity and not in the capacity of President of the All-Punjab Sanatana Dharam Pratinidhi Sabha. I found that in the camp of the orthodox community there was a division. Some people were in favour of the Bill and others were not, and if I mistake not the majority of them were against it. The Honourable the Maharajadhiraja of Darbhanga has said that according to the *Shastras* child marriage is allowed. With due deference to the Honourable Maharajadhiraja, I must say that on that point also there is difference of opinion in the various *Shastras*. But I agree with him in the view that, as far as matters connected with one's religion are concerned, there ought not to be any Government intervention. But as this Bill was passed, and as His Excellency the Governor General gave his assent to it, either the Act should be repealed or it should be enforced.

With these words, Sir, I support the Resolution.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, I rise to support the Resolution before the House. My Honourable friend, Rai Bahadur Lala Jagdish Prasad, only wants that the Act should be properly worked. Since this Act is on the Statute-book it is only right that it should be properly enforced. The Government ought to see that prosecutions are undertaken by themselves and not left to private persons, many of whom are not in a position to undertake the cost of such prosecutions. Government ought to examine the question very carefully and conduct such prosecutions as State prosecutions so that persons who commit breaches of the Act may be brought to book. That is the only thing the mover asks and I do not think there is anything objectionable in the proposal.

On the other hand, I do not agree with him that there is any necessity for the revision of the law. If the law is properly enforced it will meet the case.

With these few words, Sir, I have much pleasure in supporting this Resolution.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, if it is the desire of the Government that a challenge be thrown to the orthodox in the country and if it is their desire to provoke and inflame religious feelings and susceptibilities,—in a word, Sir, if it is the desire of the authorities to force the law-abiding citizens to wantonly defy the law and commit acts of disorder, then, Sir, the Government can do nothing better than carry out the suggestions made in the Resolution just moved. Sir, they have only to implement the recommendations that have been made in this Resolution and to let the people know they are determined to ride rough-shod over the religious susceptibilities of the people and that they are out to destroy institutions deep-rooted in religion and ancient usage, and nothing will then prevent the tide of discontent and disorder that will surge from every corner of this country. Sir, I feel that it was because of the fact that the Government was aware of this that they have hitherto discreetly refrained from rigidly enforcing this law. Sir, in spite of the fact that it was stated that this law was not intended to be very rigidly enforced and that the initiative was left to private individuals and not to any Government officials, there was trouble when this Act was passed. There was much trouble and bloodshed in the North-West Frontier Province in Peshawar owing to the passage of this Bill.

Sir, it has been said that this Resolution has been moved with a view to seeing that the chance of escape for people who defy the law is minimised and that those unfortunate men who help to see that the law is enforced and that the cause of morality and the welfare of Indian society does not suffer on account of early marriages, that those people should be saved the trouble of making deposits and undergoing all the difficulties and anxieties of a trial in a court of law and that Government should take it upon themselves to initiate proceedings. Now, Sir, what is our experience in the cases that have been launched under this Act. Was it a genuine desire on the part of the people, as was very pertinently asked by the Honourable Maharaja Saheb of Darbhanga, to see that the law was enforced ? Certainly not, Sir. The object behind their minds was either some ill-feeling between the complainant and the accused or it was a disappointed suitor, Sir, who wanted to disgrace the girl or the relatives of the girl whom he wanted to marry and whose hand was refused to him by her parents and guardians. Therefore, Sir, it is quite obvious that this law, so far as it has functioned, has only proved to be an instrument, a very powerful engine of oppression and blackmail. Well, Sir, this is a piece of legislation which is totally against the traditions of the British administration in India, a piece of legislation which runs counter to the proclamation of the Queen Empress of revered memory, which guaranteed to all British subjects immunity in their personal and religious law. Sir, how this institution of marriage is not only a civil contract even with Mussalmans and that it is deep-rooted in religion and religious practice is admitted by one of the Honourable Members of the Government of India. The late Law Member, Sir Brojendra Mitter, while speaking on the Special Marriage Bill, said :

" It is a fixed principle of the Government of India not to interfere in any way whatsoever with the personal laws and customs of the different peoples of India unless they have very strong and conclusive evidence that the change is desired by the people who are affected ".

Speaking of the Mussalmans in particular, he said :

" So far as the Moslem community is concerned, it has been often said, and it is, I suppose, believed by some, because of repetition, that a Moslem marriage is a mere matter of contract. It is nothing of the sort. Although it is not a sacrament in the sense that a Hindu marriage is a sacrament or a Roman Catholic marriage is a sacrament, it is bound up with their religion. The fundamental basis of a Moslem marriage is religious sanction. Therefore it is a mistake to suppose that it is a purely secular contract. Where is the sanction ? The sanction is to be found in the Koran, the holy book of the Moslems ".

It is thus quite patent that even the Law Member of the Government of India admitted that marriage is really a sacrament, that it is an institution which is not merely a civil contract but is deep-rooted in religious beliefs and practices of the Mussalmans of this land. What is this interference for ? It must be for some useful purpose. It must be intended to eradicate some evil and bring about a condition of things which would be an improvement on the present state of affairs. Let us examine this law in the light of this test. It has been said that early marriage is responsible for high mortality in the land. I ask whether this can be proved by surveying the state of things in other parts of the world. What was the law governing marriages in England just before the Sarda Act was passed ? Was it not a fact that boys of 14 years and girls of 12 years were allowed to marry and it was only recently that the law has been changed raising the age of both the parties to 16 years ? Can my Honourable friends who have supported this Act on the basis of mortality prove that the condition of affairs in England today is better than what it was just a few years back, that longevity in England is now much more than what it was just a few years ago ? They cannot do so. It is impossible for them to do it, for it is not these early marriages which are responsible for much of the trouble which has excited the sympathy of my Honourable friends here who want to introduce social reforms. It is not the early marriage ; it is the improper immoral gratification of the sexual desire before the age of puberty is reached. This law does not prohibit any man who feels the desire to visit houses of ill-fame, to commit acts of fornication and adultery and to contract diseases and ultimately to communicate that to his unfortunate wife, so that the offsprings become weaklings and sickly. This law does not prevent that. All that it does is to prevent one from performing a marriage. It seeks to penalise an act which under the ordinary law of the land——

THE HONOURABLE THE PRESIDENT : May I tell the Honourable Member that we are not discussing today whether we should have a Child Marriage Act or not. We are discussing the Resolution of the Honourable Member that the provisions of the Child Marriage Act should be more rigidly enforced. I would therefore ask the Honourable Member to confine himself to that issue.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : The desirability or otherwise of the enforcement of these provisions could be demonstrated only by looking into what the consequences will be if these provisions are enforced. My contention is that if these provisions are enforced, they are not going to effect any improvement in the present state of things. They are not going to conduce to the well-being of society. They are not going to improve the physique or the health of Indian society, and much less are they calculated to improve the morals or character of the people here.

[Saiyed Mohamed Padshah Sahib Bahadur.]

Sir, another objection of mine is on the score of the way in which this Act was rushed through. In my opinion, this is the one Act which is an unconstitutional Act on the Statute book. This Act, when it was first referred to a Select Committee, was one which was intended to apply to only one community in India. Also, it was intended to be only of a civil nature. But, Sir, when it emerged from the Select Committee, it emerged as one comprehensive piece of legislation embracing in its fold all the communities in India practising different religions and following different creeds. Also, it became a criminal law, penalising all people who offended against its letter or spirit. Sir, when this law was being enacted, the authorities were carried away by their enthusiasm for effecting this reform and did not even care to obtain the sanction of the Governor General for the fundamental which the Select Committee has effected in the Bill. This change was effected without the sanction of the Governor General and so I contend that this is an unconstitutional Act which does not deserve to be taken notice of, much less to be enforced.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY: Then repeal it.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I think, Sir, my Honourable friend Sir David Devadoss has given me the right suggestion. He says that it should be repealed.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christian): On a personal explanation, Sir. I never suggested it. It was suggested by my Honourable friend Diwan Bahadur Narayanaswami Chetty.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I stand corrected. My Honourable friend Diwan Bahadur Narayanaswami Chetti only a few minutes ago was so enthusiastic in the support of the Act. He now proposes that repeal is the proper course. That is quite suited to an Act of this kind. I feel that my Honourable friend Rai Bahadur Lala Jagdish Prasad would have been well advised if instead of enforcement of this law, he had recommended its repeal which, as he has himself pointed out, has all along been a dead letter.

Sir, just a few words about the way in which it affects my own community.

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that his time is up. Will he please bring his remarks to a close as early as possible?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I will take only two minutes more, Sir. So far as my community is concerned, I feel that this Act is not only an interference with our religion but is also unwarranted. It is utterly needless. So far as our community is concerned, as my Honourable friend Diwan Bahadur Narayanaswami Chetty has admitted, this practice of early marriage is not at all common. It is for this reason, that our law makes it impossible for people to have recourse to it unless in very exceptional circumstances, namely, either for the safety of the minor or where the status or honour of a family would be jeopardised. According to our law, a girl and boy are not to live as man and wife unless they

have attained the age of puberty and unless they are in a state of health fit to bring forth healthy offspring. So that in view of these strict injunctions of Islam it is quite obvious that early marriages are only very few and far between, and then only in circumstances when that is the only course for the parties to adopt. Sir, this law of marriage cannot be uniform among all the communities in India——

THE HONOURABLE THE PRESIDENT: I cannot allow you to go into a new point at this statge.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: Well, Sir, I will only say that the law of marriage is not one which is uniform all the world over. The law which obtains on the Continent is different from that obtaining in England. So I contend that this law should not be made applicable to all the communities in India.

[12 NOON.

With these words, Sir, I resume my seat.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, this is a question which has been frequently under discussion since the days when the Child Marriage Restraint Act was first under discussion in the Legislature. Many Members of this House remember those discussions. Unfortunately I was not in any way concerned with them. It is a matter on which very strong opinions are held and that is clearly shown by the debate to which we have listened today. Very strong opinions are held especially by those who are opposed to the provisions of the Sarda Act and to proposals such as that now before the House to make its provisions more rigid. It is the old issue of tradition and religious belief and orthodoxy on the one hand and reform on the other. And I think when an issue of this kind arises, history shows that the reform is most successful if it proceeds slowly. If an attempt is made to hurry reform regardless of public opinion against it, even though that public opinion may be held to be wrong, it may be a case of "more haste, worse speed". The Honourable Mr. Sapru in his youthful zeal would go full steam ahead, but perhaps he may find that that may result in difficulties. After all we must remember the lessons of history and it will be recollected how long it took for British opinion to be educated to agree to the abolition of the slave trade; even after that Act was passed it was several years before the evil was finally stamped out. In this particular problem we have on the one hand considerations of the social and physical welfare of the community. The facts which the Honourable Member who has moved the Resolution has quoted from the Census Report emphasise that point. On the other hand, we have the considerations of long-standing custom based on religious ideas and teaching. On the one side we have the social reformer eager to alleviate human suffering; on the other hand, those who hold strongly that the reform is an attack on fundamental religious beliefs. That is the position which confronted Government when the Sarda Act was under discussion. It was a controversial social question and Government had to approach the matter with great caution. It took steps to see that all parties concerned had full opportunity of giving their opinion on the question and the decision at which they arrived after considering these opinions is well known. They felt that a social evil which affected the well-being of the

[Mr. M. G. Hallett.]

community did exist and they came to the conclusion after most careful reflection that it was their duty not to ignore what they recognised was a definite evil, but to give their support to those who were anxious to take the first step to remove this evil. They have in no way changed that attitude since then and their position was made clear by the late Home Member, Sir Harry Haig, in September, 1932, when a Bill was under discussion in the Legislative Assembly which sought to amend this Act by making its proposals less stringent. He made it clear that Government were compelled to oppose the Bill. A similar view was put forward by my predecessor in this House, Sir Herbert Emerson, when my Honourable friend Raja Raghunandan Prasad Singh put forward a Motion exactly contrary to that which is now before us. Many of you will no doubt remember his speech on that occasion.

But, Sir, though Government have taken this attitude in regard to attempts to repeal the Act, it must not be inferred therefrom that they can go so far as to support at the present time, only a few years after the passing of the original Act, a proposal to make it more stringent, or to support further legislation on a matter which it cannot be denied is a highly controversial question. Looking at the history of the years since the passing of the Act, I think it must be recognised that the opposition to those proposals has in no way diminished and that there is still a very strong body of public opinion which is still very strongly opposed to this Act and still more to any proposal to make it more stringent. On the other hand, I feel doubtful whether the reformers have done enough to educate public opinion to accept the provisions of the Sarda Act. Possibly they have in some places but, generally speaking, I think they have certainly not done enough to emphasise the advantages of this Act and to educate public opinion to its support. In a great social reform problem of this kind it is not possible to change public opinion in a day. We cannot change in a flash of lightning the outlook and practices of millions of people in this country. We cannot merely by a penal measure effect an immediate transformation. Many of the supporters of the Bill at the time when it was passed supported it I think with the view, not that it should be used to coerce people on a large scale by penalties, but that the existence of the Act on the Statute-book and the statement of public policy which it contained would gradually exercise an educative effect and bring about the conversion of the mass of the people to the evils with which that Bill seeks to deal. That, Sir, is in brief the position of Government. In a matter of this kind we must act cautiously. I am personally of a cautious nature and I think there is no doubt that caution and a slow advance is the most sure advance. The time may come when public opinion may be further educated and I trust the speeches such as those delivered by the supporters of the Motion today will have some effect on educating public opinion. I trust also that those who support the Bill will do something in their own constituencies to get public opinion to support these views. Government fully recognise the evil we are trying to meet, but I submit the time has not yet come for making a large advance. It may come when public opinion is further developed, and the development of public opinion in a matter of this kind can best be done by non-officials, by Indian politicians, and by women. Only today I saw a letter saying that certain ladies coming out to

India from England one of whose objects is that of educating public opinion on this important question of child marriages. That is all to the good. There are women's associations and councils in most provinces and districts and it is for the educated women of India, even more than for the men to get this reform carried into effect, to make it acceptable to the great mass of the people.

I trust that, now that I have made the position of Government clear, the Honourable Member will consider that he has served his purpose by moving the Resolution and that he will be content to withdraw it.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I feel that those Honourable Members who have thought it fit to oppose my Resolution did so as if I was recommending for the enactment of a new law for the abolition of child marriages in India. I am very grateful to you, Sir, for actually pointing out to one of the Honourable speakers that what I recommended in my Resolution was that the provisions of the Child Marriage Restraint Act should be enforced more rigidly so that the chances of evasion of the law might be minimised. It is only this much, Sir, that I advocated in my Resolution. My Honourable friend the Maharajadhiraja of Darbhanga opined that the Act should be repealed and so did the Honourable Saiyed Mohamed Padshah. But I should like to remind my Honourable friends that a Resolution for the repeal of this Act was moved on the floor of this House in 1932, to which a reference has been made by the Honourable Home Secretary, and if you look up the debate that took place on that occasion, you will find that all the speeches that were made in the course of discussion on that Resolution were against the Resolution and, if I remember aright, not a single Honourable Member supported the Resolution on that occasion with the result that the Resolution was negatived. So it is too late in the day to talk of repealing the law.

Now, as regards the arguments of my Muslim friends, I may tell them that when the Act was under discussion on the floor of this House in 1929 and when a division was challenged on the Motion for consideration of the Bill, the House divided and no less than four Muslim Members voted for the Bill.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Not one, Sir.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I challenge that statement.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I may be allowed to read out the names of those Muslim Members who voted for the consideration motion?

THE HONOURABLE THE PRESIDENT: The Honourable Member may please proceed.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Very well, Sir, I shall leave it at that.

Sir, what I recommend in my Resolution is not the enactment of a new law, but that the provisions of the existing Act should be enforced more rigidly in the interests of our physical well being. I yield to no one, Sir, in thinking

[Rai Bahadur Lala Jagdish Prasad.]

that in matters of religion the Government should not interfere but, Sir, I consider this question of child marriage to be more in the nature of a social matter than a religious one, because, as I have pointed out in my first speech, our physique is deteriorating, our infant and maternal mortality is so high and our expectation of life is so low. All these considerations should weigh with us in determining that the pernicious custom of child marriage should be stopped in this country.

Sir, he Honourable Mr. Hallett has made the position of Government clear on this Resolution. The Government stick to the position that they took up in relation to the enactment in 1929 and I am glad that in spite of the opposition of orthodox opinion in the country the Government still stick to the view they took on that occasion. The Honourable Mr. Hallett has observed that slow advance is sure advance and that the time has not yet come to advance further in this direction. I think, Sir, that a time will come when the Government will feel the necessity of enforcing the provisions of this law more rigidly, when they will feel that public opinion has made a further advance. For the present, Sir, I will content myself with having put forward my view point before the House, and I hope that if not on this occasion on a later occasion the House will see the wisdom of the proposition that I have propounded today.

With these words, Sir, I beg leave of the House to withdraw the Resolution.

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

RESOLUTION *RE* REPRESENTATION OF ASSAMESE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam: Non-Muhammadan): Sir, before I move the Resolution, I request you to accord permission to amend it as follows:

"In view of the meagre representation of the Assamese in the Posts and Telegraphs Department, this Council recommends to the Governor General in Council to take steps to secure a larger proportion of Assamese serving in the Posts and Telegraphs Department in Assam."

THE HONOURABLE THE PRESIDENT: Has the Honourable Member in charge any objection?

THE HONOURABLE MR. D. G. MITCHELL: Sir, I have no objection.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Sir, I move:

"In view of the meagre representation of the Assamese in the Posts and Telegraphs Department, this Council recommends to the Governor General in Council to take steps to secure a larger proportion of Assamese serving in the Posts and Telegraphs Department."

Sir, it is a well-known fact that till recently the Assamese people were very backward in the matter of education. Education amongst the Assamese people was not much and educated Assamese were few and far between and, as a matter of fact, they could be counted on one's fingers' ends. But during the last two decades or so they have been making rapid strides in this direction. Assamese

students have been acquitting themselves very well and they have been making their mark in the matter of competition in the universities. Judged by their university results, they compare quite favourably with students of the more advanced provinces. As a matter of fact, there is no dearth of educated Assamese at the present moment. On the other hand, Assamese taking to higher education have been increasing so fast of late that they cannot find avenues of employment and the question of unemployment amongst educated Assamese is looming larger and larger every day. As a result of this, we are faced with the sad spectacle of unemployment amongst these youths. I place no blame upon the Government for this state of affairs. Apparently, this plight of the Assamese youths is due to the fact that they entered into the race for competition in public service rather late in the day. Unless a start is given to them, unless special preference is shown to the Assamese youths, there is no prospect, not even a faint, distant prospect, of increasing the proportion of the Assamese serving in the Posts and Telegraphs Department. I am aware, Sir, that in the matter of appointment to the subordinate ranks in the Posts and Telegraphs Department, the Government have framed rules so that only those that come from the revenue divisions where there are vacancies should be appointed. I only hope, Sir, that Government will see to the strictest enforcement of these rules. In view of the sad plight of the unemployed Assamese youths, I appeal to Government to employ them in the Posts and Telegraphs Department in ever-increasing numbers. I also trust that the Honourable Members of this House will record their vote and support to my Resolution which is a very modest one and only seeks to do the barest justice to the deserving Assamese youths.

With these words, Sir, I commend my Resolution to the acceptance of this Honourable House.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, I do not think it necessary to move my amendment and will content myself with making a few general observations on the Resolution moved by my Honourable friend Mr. Barua.

Sir, the position with regard to this Resolution is very interesting. My own impression is that this subject has not been brought before this Council in the form of a Resolution a minute too soon. Sir, we are all very anxious to have a self-governing constitution for our country as soon as possible. So far as I have been able to give thought to that question, a satisfactory working of a self-governing constitution is conditional on certain things. The first thing is that in a constitution of this character every important class, interest and community should be thoroughly represented in our Legislatures. The second point which occurs to me is not a whit less important than the first, namely, that all important classes and interests in our country should participate in our public services. I need hardly, Sir, dilate on the undesirability of our public services or any portion of our public services being monopolised by one class, creed or province. In fact, the present Government is fully alive to having in the public service all those classes of the people which form an important portion of the population of the country and which have in the past displayed an aptitude for discharging the duties of Government servants. Much more difficult will be, Sir, the position of the future Government in that respect. It

[Saiyid Raza Ali.]

will be impossible, Sir, for our future Government to discharge its duties satisfactorily unless our public services are represented by all important classes and communities.

Sir, the question as to how recruitment for our public services should be made can roughly be divided into two classes. The first is the representation of all important communities in our public service. The second is the representation of various provinces in those services which are known as Indian services or the Central services, Classes I and II. Now it is gratifying to remember that so far as the first question, namely, the representation of minority communities is concerned, action was taken by this Council as far back as 1925 when a Resolution on the subject was moved in this House. The Government's attitude on that question was very hopeful and, as Honourable Members are aware, the Resolution in this House which happened to be moved by me, was accepted by Government, and in pursuance of that, a Resolution was issued by the Home Department of the Government of India shortly after laying down as to how representation of minority communities should be secured in those services which were under the Government of India. Not many of those who were present in that debate are present today but I am glad to see that two Honourable Members are still with us. One is yourself, Sir, and I believe the other is my Honourable friend Sir Phiroze Sethna. Now, the question was for the time being settled, though not very satisfactorily, yet settled in a manner which removed the discontent of the minority communities to a fairly large extent. The second important aspect of that question is that in the Imperial and Central services various provinces should be properly represented. Now I need hardly go into the history of that question but in the past it has so happened, Sir, that every province that came into close contact with the Government of India came to have a preponderating representation in the services. At one time it was, I believe, Bengal that led the way. Latterly Bengal has yielded the pride of place to Madras. It so happens, Sir, that recruitment for that portion of the Posts and Telegraphs services which comprise the gazetted ranks is made on the result of an examination held by the Public Service Commission. I speak subject to correction by the Honourable Mr. Mitchell that superintendents of post offices are appointed on the results of an examination held by the Public Service Commission. The examination is not of a competitive character in any way. All that the Department requires of the Public Service Commission is to prepare a list of qualified candidates. The Department goes through the list itself and selects those candidates whom the Department considers suitable for appointment. It makes the selection and finally those candidates are appointed.

THE HONOURABLE MR. D. G. MITCHELL: May I point out to the Honourable Member that there is also a large number recruited to the gazetted ranks by promotion from the lower ranks ?

THE HONOURABLE SAIYID RAZA ALI: I did not mention that. I knew, however, that vacancies are also filled by promotion. But I believe it is not so much the gazetted posts that my Honourable friend Mr. Barua has in contemplation. His object, if I understand him correctly, is that in

the province of Assam, the rank and file of those who are working in the Post and Telegraph offices should be recruited from the Assamese community. I find from the Honourable Mr. Barua's nod, I am right. The door of entry to subordinate posts in the Posts and Telegraphs Department is not, so far as I know, by competitive examination, but various officers in various provinces which are constituted under the Government of India Resolution, dated the 4th July, 1934, as local areas are authorised to receive applications and interview, if necessary, the candidates, select them and finally appoint them to subordinate posts. I believe I am right in saying that that is the method of recruitment adopted so far as the subordinate posts are concerned. If that is so, every province forms a local area or circle in the matter of recruitment and I think it is a genuine grievance of the Assamese people if they are neglected. Facts and figures have not been given by my Honourable friend Mr. Barua but I take it that the position is that the Assamese do not get that measure of representation in their own province to which they are entitled. I believe the grievance is of a nature which is common to all those provinces where one portion of the population occupies a more predominant position than the other. I believe, for instance, that these remarks apply not only to the Honourable Mr. Barua's Resolution advocating the just claims of the Assamese, but the same complaint, I suppose, would be made by Oriyas against Biharis in the province of Bihar and by the Hindustani-speaking portion against the Marathi-speaking portion of the population in the Central Provinces. If one were to consider cases of this character, they would multiply themselves. All I can say is that those grievances are of a very just character, and immediate steps should be taken by Government to remove those grievances. There is absolutely no reason why a local area, which has been constituted a separate circle, which has been given the right by the Government of India to recruit for itself should not do its best to secure the representation of the people of that local area. As Honourable Members are aware, the Government of India Resolution, dated the 4th July, 1934, to which I have already referred in the earlier portion of my speech, makes specific mention of the Posts and Telegraphs Department, and it has been laid down there how recruitment for each area is to be made. I do not think it is necessary for me to read out that portion to Honourable Members. Paragraph 8 of this Resolution deals with the question, and it is pointed out there that an effort will be made to secure the appointment of the people who inhabit that area, to Imperial departments, amongst which the Posts and Telegraphs Department is specifically mentioned. I have no doubt that the Honourable Mr. Barua has by moving this Resolution done a very good service not only to his own province but also to those provinces the people of which are not fairly represented in certain public services.

In conclusion, Sir, I may point out to the House that dry questions of this character which people generally do not care to tackle seriously have great importance. It is all very well to say, "What do a few posts matter in the public services either of the Government of India or of the Provincial Governments ?"

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that his time is up ?

THE HONOURABLE SAIYID RAZA ALI: I am just bringing my remarks to a close, Sir.

[Saiyid Raza Ali.]

It is all very well to say that the heavens are not going to fall if these posts are filled by the people of one province rather than those of another or by one creed or community rather than another creed or community. But, Sir, having regard to the economic struggle that is going on in every country, and especially in India, I think it is of the utmost importance that both from the political as well as the economic point of view, every province and community should be properly represented in the public services of the country.

Sir, I support the Resolution.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, Government is in full sympathy with the difficulties of the Assamese people which have been so ably expounded by my Honourable friend Mr. Barua, and I am in the happy position of being able to accept his Resolution, but subject to certain explanations and reservations which I hope the Honourable Member will realise are entirely reasonable. In order to do this, I regret I must inflict upon the House a short and very broad account of the method of recruitment in the Posts and Telegraphs Department. For this purpose, I shall divide the Department into two branches, the Postal branch and the Telegraph branch, and I shall start off with the Telegraph branch as that will enable me to develop my chief reservation. The Telegraph branch is entirely recruited, apart from the inferior staff, on an all-India basis. Recruits who come in to the Department may be required to serve anywhere in India and the examination and tests which they pass are of an all-India character and are the same for all the candidates. As my Honourable friend Saiyid Raza Ali has pointed out, provision has been made in the recruitment of all services for a due representation of the various minority communities. Now, as regards these all-India services like the Telegraph Service, there never has been, so far as I am aware, any proposal that these rules for the recruitment of members of minority communities should be supplemented by further rules for the recruitment of members of the inhabitants of various provinces; and I put it to my Honourable friend that the further cross classification on the basis of provinces would lead to a set of rules which would be utterly unworkable. We would require to make provision for Assamese, for Oriyas, for Biharis, Beraris, Malabarese, Canarese and goodness knows how many more, and the result would be a set of rules that never could be worked. That is my chief reservation, that in regard to these all-India services the Assamese must, I am afraid, take their chance with the others; and I am quite sure on the assurances given by my Honourable friend of the increasing resort to higher education by the youth of Assam that they will not be slow to take full advantage of their opportunities, and that in course of time they will find themselves as fully represented in the public services in India as any other province.

I now come to the Postal side. On the Postal side a recruit may enter at one of two points. He may enter as a superintendent, in which case he enters straight into the gazetted ranks and becomes a member of an all-India cadre. That recruitment is made on the results of an examination

held by the Public Service Commission. The same remarks apply to that form of recruitment as I have already made in regard to the Telegraphs. The Assamese must take their chance with other provinces and I hope that those chances will steadily improve. The other point at which a candidate may enter the Postal Department is the foot of the clerical cadres. Recruitment on this basis is made by the revenue division and, in 1926, orders were passed that recruitment for the clerical services in the Postal side should be made entirely from people belonging to the revenue division concerned. That means that all candidates for these posts must seek recruitment in the revenue division to which they belong.

THE HONOURABLE SAIYID RAZA ALI: Does that mean that applications must be sent to the Superintendent of Post Offices? I am not sure.

THE HONOURABLE MR. D. G. MITCHELL: I cannot give an assured answer to that point of detail, but I should say that is probably the case. The arrangement means that in Assam, particularly in the Assam Valley, only those people who belong to that Valley are eligible for appointment in the lower services. This is, Sir, where the Assamese will get their chance at the very present time, because once a clerk has been recruited in this manner there is nothing to prevent him from rising by his own merits to the very top of the Department. Government having formulated that rule in 1926, has every intention of carrying it out, and to that extent I am able to accept my Honourable friend's Resolution. I can also assure him that if the Local Government, which I understand is also aware of the difficulties to which my Honourable friend referred, should take further steps towards securing a further representation of Assamese in the services in Assam, then those steps will be very carefully considered and will be adopted by the Posts and Telegraphs Department in so far as they may be applicable to the special conditions of that Department.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Sir, I am very thankful to the Government for accepting my Resolution subject to the reservations enumerated by the Honourable Mr. Mitchell, and I hope the Honourable House will also see its way to accept it.

THE HONOURABLE THE PRESIDENT: Do you wish to withdraw? I did not exactly follow the last few words of the Honourable Member for Government.

THE HONOURABLE MR. D. G. MITCHELL: I regret I have not made myself clear. If the Resolution is put to the House Government will not oppose it.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That in view of the meagre representation of the Assamese in the Posts and Telegraphs Department, this Council recommends to the Governor General in Council to take steps to secure a larger proportion of Assamese serving in the Posts and Telegraphs Department in Assam."

The Question is:

"That that Resolution be adopted."

The Motion was adopted.

RESOLUTION *RE* INVESTIGATION INTO CONDITIONS OF HEALTH BY A COMMITTEE OF MEDICAL EXPERTS.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, the Resolution that I have the honour to move reads thus :

"This Council recommends to the Governor General in Council to associate a small Committee of medical experts to investigate into the conditions of health of the population when the economic census of India is undertaken in view of the scheme devised by Professor Bowley and Mr. Robertson."

The Resolution does not require an elaborate exposition. It is, however, the outcome of the following statement of the Economic Experts in the course of their forwarding letter to Government, *viz.* :

"Important as their bearing on economic life, we have not concerned ourselves with statistics of meteorology, of literacy and education or of public health except so far as the last deal with the broad facts of birth and death."

I am constrained to observe that to ignore the subject of public health in connection with the proposed economic census would be but a half measure inasmuch as these *broad facts of birth and death* are intimately associated with and dependent upon the conditions of public health. It would be a deplorable mistake to exclude these from its purview as another opportunity may not arise in the immediate future. In another part of their report, however, they have included "Conditions of health" in a list of *supplementary inquiries*, that may or may not eventuate.

Sir, Professor Bowley and Mr. Robertson say that :

"The vital statistics of birth and death in India are well-known to be defective" and further add "that some of the figures have been found to be definitely misleading. Unjustifiable conclusions are, therefore, likely to be drawn from them unless there was a guarantee of substantial accuracy. They have their use, however, to medical officers of health if these are aware of their limitations".

A large number of births and deaths go unrecorded and the defect is more than 4.7 millions in 83.5 millions. Dr. Hutton, the Census Commissioner, estimates the defect at 20 per cent. Records in towns are said to be more imperfect even than in the villages and these experts see no good reason why the town organization should not be brought up to the level reached in other countries. They therefore suggest that having regard to the *badness* of these statistics, an intermediate quinquennial population census less elaborate than decennial should be instituted which would also forecast the probable decennial increase of population.

The Economic Census planned in their scheme comprises an enquiry into 1,650 villages out of 422,000 in British India excluding Sind, Assam, Burma and Indian States, by a process of numerical sampling. It has been estimated to cost Rs. 22 lakhs, with a further increment of Rs. 3 lakhs if an *urban* census were added. The number of villages may appear to be too small to some when compared to the whole just, as in the case of the economic and public health census of 571 villages comprising a population of three-quarters of a million carried out under the direction of Sir John Megaw, late Director-General, Indian Medical Service. The data obtained were said to be inapplicable to the whole of India ! I do not feel competent to offer any opinion upon this question and would leave it to better hands to discuss. It would in any case be a herculean task. The scope

of the Megaw inquiry was divided into two broad sections : (*a*) economic and (*b*) conditions of public health. The former comprised 12 heads with three sub-heads confined to rural economics : area, crops, population, consumption of milk, ghee, alcohol, habits, families, scarcity, number of children, emigration on account of scarcity of food crops, etc., etc. The latter was sub-divided into 20 main and three subsidiary.

I do not propose to discuss the economic section and would confine my observations to the last as it bears upon the Resolution. Applying his data to the whole of India, Sir John Megaw calculated that 8.5 per cent. of the population of 35 crores were afflicted with 13 different kinds of preventible diseases and infirmities. It is indeed sad to note that venereal diseases constitute half the above percentage ; the heaviest rate of infection was found in the Madras and Bengal Presidencies. Blindness and night blindness were computed at over 5½ millions : other diseases and infirmities comprised rickets. Tuberculosis over 2,000,000 ; leprosy 741,000 ; insanity and congenital mental defects. Both tuberculosis and leprosy have in my opinion been under-estimated. Cholera and small-pox take heaviest toll of life in Bihar and Orissa. Sir, His Majesty King Edward the VII asked on one occasion a gathering of eminent medical men :

"If the diseases are preventible, why are they not prevented ?"

India remains to this day virgin soil. Preventive medicine has not received that importance it deserves as in other civilised countries. The Rockefeller Foundation of the United States of America is the only agency that has explored this field of work in several parts of the world, including some in India.

This, Sir, does not, however, exhaust the whole tale. Vital statistics all the world over exhibit a remarkable correspondence between high birth rate and high death rate inasmuch as the death rate falls or is stationary or rises according as the birth rate falls or is stationary or rises, says Dr. C. V. Drysdale, quoted by Mr. P. K. Wattal in his work on *The Population Problem in India*. British India is no exception to this rule as its high birth rate of 34.3 corresponds with the equally high death rate of 24.9 (1931). Egypt appears to be the only country where these figures are exceeded. *Per contra* England and Wales have the birth rate of 15.8 and death rate 12.3 and New Zealand 18.4 and 8.3, respectively. Some provinces in India even markedly exhibit such corresponding records —notably Burma and Bengal. There is, however, one bright spot in India —that is the State of Travancore where some of the social customs of orthodox Hindus, like early marriages, do not exist, nor the necessity of a male heir in the direct line, and where the death rate has been reduced to 16. If an Indian State has thus succeeded in reducing its mortality rate, I see no reason why the rest of India should not do so. Infant mortality too rises and falls with the birth rate. Marriage at early age, immaturity of the mother, frequency of child bearing, excessive number of children and consequent poor vitality and feeble powers of resistance during early life of the offspring are the main causes. The average number of children born per mother is 4.2 but their survival rate is 2.9 only. Were this average to be brought down to three, what an enormous saving of life would accrue ? And further it has been calculated that out of every 100,000 children born, 45,000 die between the ages of 0—5 years. That indeed is an appalling wastage of human life ! The young immature

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

mother too has to pay with her life as her mortality rate during and after frequent confinements is also very heavy. Such, Sir, are the conditions surrounding us and I would ask Honourable Members whether some action, however belated, to investigate and remedy this stupendous problem is not absolutely necessary especially in view of the impending constitutional reforms. That, Sir, is my sole justification for the Resolution I have moved.

India has no reason to congratulate herself upon her increase of population. On the other hand, says Dr. Hutton :

" The increase of population is from most points of view a cause for alarm than satisfaction ".

Such indeed is the situation ! This increase is further accentuated by the fact that the land is not able to sustain this enormous mass, as areas under food crops have not kept pace with it. The area planted under food crops in some provinces has reached the saturation point and cannot be further expanded owing to its unsuitability for food crops cultivation. India has to import annually rice worth Rs. 8 crores from Burma ; the imports of wheat have been restricted. How long will this state of affairs continue ? Is India prepared to forego the cultivation of its exportable non-food crops and bend all its energies to produce the food crops to sustain its ever-growing population ? It is doubtful whether even under such a radical departure it will be self-sufficient and able to feed all. The one and only remedy to reduce the pressure upon the land is a lower birth rate. That can only be achieved by systematic education in birth control. The orthodox State of Mysore and the Madras Government have set an example through the institution of birth control clinics. It is imperative that knowledge of the subject should filter down to the masses. There is no other way through which it would be possible to ensure a reduction in the country's birth-rate.

I do not propose to weary the House with more details. If the facts above stated, culled from official sources, are accepted and if Megaw's census of conditions of health of the rural population approved, then I submit there is no necessity for a fresh enquiry. Should, on the other hand, their accuracy and applicability be doubted or challenged, the only course open to Government is the one I have suggested in my Resolution. It may cost a few lakhs more. The results, however, will enable us to gauge the gravity and urgency of the problem and lead to the adoption of prompt and requisite measures. On the other hand, a mere economic enquiry shorn of these essential social and public health considerations will be of little value, inasmuch as the underlying causes of the broad facts of birth and death will continue to remain in obscurity as hitherto.

Sir, there has been of late an era of phenomenal unprecedented and far-reaching activity in the problems connected with agriculture. I avail myself of this opportunity to tender my congratulations to Government and to the Honourable Leader of the House for their solicitude and timely action. The Honourable Member wields the trident of Education, Health and Lands. These three are so interrelated that the interests of one cannot be separated from those of the others. They require equal consideration. May I therefore be permitted to appeal to him to signalize the tenure of his high office, and to leave behind him a name that will be remembered and beloved as that of a great benefactor of the agricultural population.

I have spoken at this length as I honestly believe that the salvation of India, its regeneration as a healthy and virile nation depends solely upon such timely action to improve the health condition of its rural masses.

Sir, I move.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, it falls to my lot to reply to the Honourable Khan Bahadur Dr. Sir Nasarvanji Choksy's Resolution, although I am not quite equipped with any technical knowledge on health and medical questions ; and on those questions I would only like to say this. There is no quarrel between the Government of India and my Honourable friend. We fully recognise how vitally the economic well-being of India is inter-connected with the health of her peoples. I say inter-connected advisedly, for, in my opinion, health conditions in this country are largely due to economic conditions, and present economic conditions are largely the cause of the health conditions of large portions of the population.

1 P.M.

The reason why I am replying to my Honourable friend is one of a more or less general character. It fell to my Department to deal at one stage with the questions arising out of the Report of Professor Bowley and Mr. Robertson, and I wish to inform the House how the position stands at present in regard to that Report. As Honourable Members are aware, the Report which, I think, was issued in May, and has since been under departmental consideration, contains a very large number of very important recommendations which require careful study ; and for various reasons, among which is the early meeting of this Legislature, Sir, it has not yet been possible to come to any conclusion on the question whether an economic census should be undertaken and, if so, what form it should take ? It is possible to conceive various forms in which an economic census might be made, if it is decided to proceed with one. We might, for instance, have one large organization covering the whole field. On the other hand we might have a number of parallel but smaller organizations each dealing with an individual aspect of the problem. Subject to that, however, that is to say, to the fact that we have not yet come to a decision when an economic census should be undertaken or to what its form should be. I can assure my Honourable friend that should such a census be undertaken, and should it take a form in which it will be possible to associate medical experts with the investigation, we are perfectly prepared to consider the association of such experts in it, and I think I can say to consider it most sympathetically. I hope, in view of this assurance, that my Honourable friend will be prepared to withdraw his Resolution.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Sir, in view of the satisfactory explanation given by the Honourable Sir Alan Parsons, I beg permission of the House to withdraw the Resolution.

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

RESOLUTION *RE* BURMANIZATION OF THE ACCOUNTANT GENERAL'S OFFICE AND THE POSTS AND TELEGRAPHS DEPARTMENT IN BURMA.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I beg to move the following Resolution which stands in my name :

"That this Council recommends to the Governor General in Council the Burmanization with all convenient speed of the staff of the Accountant General's Office, Burma, and of the Post and Telegraph Offices in Burma."

Sir I have often heard it said that the Central Legislature is indifferent to purely Burmese questions. The other day when I moved the Resolution for Indian safeguards in the course of discussion you have shown that you take a very keen interest in Burmese questions whenever they are brought before you. The other day, the Honourable Mr. Miller in the course of his speech suggested that a message of goodwill and friendship should be sent to the people of Burma. I submit that the Resolution if adopted would be a message of goodwill and friendship in a concrete and practical form. I would invite the attention of the Council to this aspect of it and request the Council to consider and pass this Resolution and thereby convey the goodwill and friendship of the people of India to the people of Burma in a concrete form. It is not necessary for me to speak at length to make this Resolution acceptable to the Government and the Honourable Members in this House. It is a self-evident proposition. I am aware, Sir, that the Government has not been unmindful of the policy of Burmanization of the All-India Services in Burma. I can assure the House that the slow pace of Burmanization in Burma has not been due to any lack of interest on the part of the Government of India. But there are other causes. Till recently the Burmese youths as they were educated and sent out from the colleges were readily absorbed in Government service. There was a wide field for employment and these Burmese youths were drawn mostly from well-to-do families. But when the Burmese youths had the opportunity to pick and choose congenial employment, they preferred employment in places where the task was light and less responsible. Naturally these people were employed in large numbers in other offices than the offices mentioned in this Resolution. There is another aspect of the Burmese youths which I should like to bring to the notice of this House which prevented the employment of the Burmese in larger numbers in the Accountant General's Office. They did not take kindly to figure work, but there has since been a revolution in the temperament and character and outlook of life of the Burmese youths, and I am glad to say that the Burmese youth—the Burmese character has undergone such a thorough change owing to prevailing conditions that the Burmese are quite prepared to put their shoulder to the wheel in every walk of life and they have overcome their well-known aversion even to physical labour and they are quite capable of labour involving physical fatigue. They are not only willing to accept any office that is available but also give a very satisfactory account of themselves wherever they are employed. I may also bring to the notice of the Council that the Burman youth has overcome his aversion to figure work and found employment in banks and mercantile firms and in various other places where figure work is required. And they have also been found successful in local fund audit offices and other treasury offices where figure work is very important and have given a very satisfactory account of themselves. Now the position is this. The

schools and colleges in Burma have been turning out educated Burmans in such large numbers that only a small fraction of them can be absorbed in public service and now we have in acute form the problem of unemployment among educated Burmans. Their plight can be easily visualised from the fact that in almost every office under the Local Government there are a large number of these educated men employed as apprentice clerks doing regular work without pay who have been waiting there for two or three years in the hope of being absorbed in the regular service as vacancies occur and today a Burman youth of good educational qualification considers he is lucky if he is taken on the waiting list to be taken as an apprentice clerk. That is the condition of affairs there and a number of highly educated—English educated—Burmese youths have been obliged to accept employment as postmen and the postman that brings the post to me in Burma is an educated Burmese youth. From this you can easily visualize the extent of unemployment among the educated Burmans. At present, from the figures supplied to me by the Government for which I am very thankful, I find that a little less than 25 per cent. of those employed in the Posts and Telegraphs Department are Burmans. In the Accountant General's Office the position is still worse. I am not blaming the Government for this state of affairs. It is the Burmans themselves who preferred appointments in other offices and neglected these offices. But today I can assure the Government that Burmans under the changed conditions and imbued with the new spirit of work and service are prepared to accept appointments which they were not prepared to accept in olden times, and they will feel considerably thankful if they can get any footing anywhere. I can assure the Government that the right type of Burmans, with proper qualifications, will be available for appointment in the Accountant General's Office and the various Posts and Telegraphs Offices in Burma. I do hope that this Resolution will be accepted by Government. My object is not to censure the Government but to strengthen their hands in the policy of Burmanization with all convenient speed which they have adopted. I appeal to the non-official Members to give their vote in support of this Resolution and thereby give the lie to the oft-repeated unworthy charge in certain interested quarters in Burma that the Council, composed of non-official Indian Members from the various provinces is not likely to be fair and impartial when the purely Burman interests are in conflict with the interests of their own countrymen who form part of the population of Burma. By the word "Burmanization" I mean and include the sons of domiciled Indians in Burma who form an integral part of the population, so that the Indian section which forms part of the population of Burma is not likely to be prejudicially affected, if this Resolution is accepted. We are now pressing hard for Indianization in India and we are making headway. I am only asking for the same policy to be adopted in Burma, that is, the Burmanization of the All-India Services, in these departments.

With these words, Sir, I commend my Resolution to your acceptance.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary): Sir, I am again in the happy position of being able to accept the Resolution. I am glad my Honourable friend has explained to the House that in former times it was not the fault of the Government that so few Burmans were represented in the public services in Burma. Now, however, he has

[Mr. D. G. Mitchell.]

explained that the Burmans are forthcoming in large numbers, and I can assure him that it is Government's wish to employ these young Burmans to as large an extent as may be possible. I shall start off with the Posts and Telegraphs Department which is the much large organization of the two referred to by my Honourable friend. This question of the employment of Burmans in the Posts and Telegraphs Department has been a difficult question with the Department for very many years past. The first definite steps were taken in 1908 when orders were passed that in the subordinate services, one in every four vacancies should be filled by a Burman. This policy was followed up by the successors of the then Postmaster General by various supplementary orders and the increase in the employment of Burmans was fairly noticeable. In 1919, a special Committee was appointed by Government to see what measures could be taken to speed up the recruitment of Burmans. The measures recommended by that Committee were further supplemented by various special orders extending from the years 1924 to 1926. In 1926 there came the order to which I have already referred during the discussion of the Resolution on Assam, that all recruitment to the subordinate service should be by the revenue division. It will be sufficient, Sir, if I give a rough indication by 10-year periods of the results of the various steps taken. In 1908-09,—I have no exact figures,—the number of Burmans in the Posts and Telegraphs Department was about 250.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Out of ?

THE HONOURABLE MR. D. G. MITCHELL: I am afraid I have not got the figures. In 1918-19, they had risen to 766; in 1928-29, to 1,351. After that, I regret to say the retrenchment campaign ensued and there has been very little recruitment. The latest figures available are those at the end of December, 1933, when the number of Burmans then was 1,211, or about 25 per cent. of the total. I can assure my Honourable friend Saiyid Raza Ali that the 250 in 1908-09 would be nothing like 25 per cent.

Now, Sir, as regards the Accountant General's Office, the Honourable mover has indicated the difficulties which have been felt in past years. It is an office where the work is very sedentary and onerous, and the Burman has not been willing in the past to take up posts in this office. The proportion at present, I regret to say, is very low—11 clerks out of a total cadre of 302. However, the position has been taken in hand by the present Auditor General who has passed orders that the Accountant General must recruit qualified Burmans as and when the opportunity occurs, and that he should follow the example of the Local Government in any measures the Local Government might devise to secure further Burmanization of this office.

Sir, I accept the Resolution.

THE HONOURABLE MR. P. C. D. CHARI: Sir, I am very thankful to the Government for accepting this Resolution and I hope that the Honourable Members of this Council will also accept the Resolution by giving their votes in its support.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council the Burmanization with all convenient speed of the staff of the Accountant General's Office, Burma, and of the Post and Telegraph Offices in Burma."

The Question is:

"That that Resolution be adopted."

The Motion was adopted.

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.

RESOLUTION *RE* HORSE-BREEDING.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, I beg to move:

"That this Council recommends to the Governor General in Council that in order to protect and encourage the indigenous breeding of horses a customs duty be levied on the import of all horses into India except on such horses as are imported for military requirements or for breeding purposes."

Sir, the House will remember that at the last Delhi session there was a similar Resolution in the name of the Honourable Mr. Vellingiri Gounder. His Resolution dropped because of his absence. Had he moved it, it was my intention to propose an amendment in the terms of the Resolution which I have just now read out. The difference between his Resolution and mine is this. The Honourable Mr. Gounder was satisfied by recommending the imposition of a duty only on imported horses, whereas I go much further and recommend that a duty be levied on all imports of horses into this country save and except those which are brought in for horse-breeding purposes or for military requirements, and I do so with the idea of affording protection to the horse-breeding industry in this country. Sir, we live in times when preference is given to different industries and there is no reason why such protection should not be given to the horse-breeding industry in India. It is true that there is some horse-breeding done in the north of India, but it is only on a very limited scale and the results are poor. They are poor because nothing is done to provide an incentive or a remunerative market for breeders. The Government of a country which helps its industries does so for the advancement and the welfare of the country at large, and my recommendation to Government in regard to protecting the horse industry in the manner I have proposed will lead to the same result.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Any idea of the number of horses imported into India ?

THE HONOURABLE SIR PHIROZE SETHNA: I will give them. In this sense, Sir, the question of helping the horse-breeding industry assumes I say a political aspect. If this industry is well looked after and is successful it will prove of great benefit to the country from an economic point of view, and consequently also from a political point of view.

If there is one person in this country at present who understands more about horses than another, he is Major-General Bernard James. General James, about two years ago, delivered a lecture at Secunderabad. That lecture

[Sir Phiroze Sethna.]

is published in leaflet form. In the course of his lecture he observed that thousands of horses are imported into the country and in that way lakhs and lakhs of rupees go out of the country which it ought to be the duty of Government to check and to see that that money is circulated in India for the benefit of Indians themselves. The Honourable Leader asked me about the number of horses imported into India. I will not go back more than five years, but will give them for the last five years ending 31st March, 1934 During that quinquennial 18,364 horses were imported, and the number respectively in each one of those years was 4,268, 3,457, 4,962, 1,970 and 3,697. If the Honourable Leader and the House desire to know from which countries these horses have come they are as follows. Of the total of 18,364, 2,430 came from the United Kingdom, 3,243 from Iraq, and the remainder, about 13,000, from Australia.

Now, Sir, nowhere in the world is as much attention paid to the subject of horse-breeding as is done in England.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Out of this number, how many were for military and how many for breeding purposes ?

THE HONOURABLE SIR PHIROZE SETHNA : I am relying on the customs returns and unfortunately they do not give the information. I do not know if the Honourable Leader of the House can give the information ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : It is half and half.

THE HONOURABLE SIR PHIROZE SETHNA : Sir, as I have said, nowhere is more attention paid to horse-breeding than in England and that has been so for the last 200 years. Even in England, according to General James, previous to the 200 years horse-breeding was carried on in a very promiscuous and haphazard manner. All that is now changed due to horse racing. The best racers are used for breeding purposes and this racing test has brought out the best, eliminated the unfit, and has enabled horse-breeders to select the best stallions and mares to mate together for the purpose of improving the breed. Only the other day His Highness the Maharaja of Rajpipla who won this year's Derby with Windsor Lad was offered £50,000 for the horse for breeding purposes, but he said he would only consent provided the purchasers made it a condition that the horse would not be sent out of the country.

Sir, Government would have done well if they had established races for the breeding stock in many different centres of this country and if they had done so the demand for Indian horses would have been larger than what it is today. In 1901 they appointed a Royal Commission. The reference to the Royal Commission was somewhat narrow. All that it asked the Commission to do was to find out how best to get remounts. On the recommendation of this Royal Commission the Government have been giving grants of land to horse-breeders in the Punjab. They have their own mares which are branded and they receive the services of Government stallions ; the only condition that Government impose is that they must tender their horses for sale to Government up to the age of 18 months. The scheme is a good one for the specific

purpose of securing remounts but it has not succeeded in securing them in sufficient number. Therefore imports have continued and India today in the matter of horses is no better off than it was 150 years ago.

Some years ago, Sir, a society was founded in this country called the National Horse-breeding and Show Society. Its primary object was to stimulate horse-breeding by private enterprise, but no great progress has been made. It would be right to say that no great progress is possible under existing conditions. Those who are in the trade say, " What is the use of breeding thoroughbreds when there is practically no market for them ?" Whilst so much money is given in stakes in India to imported horses, very little is done for Indian horses. An Indian horse cannot run with Arabs in the same race, because the authorities do not permit it. Whilst there are seven classes of racing for imported horses, there was till recently only one class for Indian horses, which was a serious handicap against Indian horses as it was impossible to bring them together in one class at fair racing weights. Is it not a scandal therefore, I ask, that Indian horses in their own country are treated differently to imported horses—that every possible encouragement is given to foreign imported horses and next to nothing to the home-bred. In fact the existing conditions encourage the import of foreign horses at the expense of Indian breeders. No ready and profitable market can be established for indigenous produce so long as Indians are content to import foreign horses. If racing men in India find it easy to buy imported horses and when so much encouragement is given to these foreign horses, it stands to reason that Indians themselves do not buy so many Indian horses to compete against imported horses. The greatest sinners are the different Turf Clubs in India who do absolutely nothing to encourage country breeds. It is the duty of Government therefore to have races for Indian horses at as many places as possible and if they are unable to do so for any reason or reasons it should be their endeavour to try and compel these Turf Clubs to encourage more racing amongst Indian horses.

From the figures I have given to the House, Honourable Members will have seen that on an average we get about 650 horses from Iraq every year and they are shown in the customs returns as valued at Rs. 300 apiece. But we know that many of these Arabs are sold for racing purposes at figures nearer Rs. 3,000 than Rs. 300. Again, racing stakes to the tune of Rs. 12 lakhs are allotted to Arabs every year, while Indian horses in their own country are given less than Rs. 2 lakhs which in other words is tantamount to subsidising foreign horses not by the country of origin but by India herself. These imported horses therefore deliberately harm both our produce and our farmers. Take again the case of Australian horses. Australia offers no subsidy for the export of its horses but India may be said to subsidise these imports because no duty is levied on them.

Horse-breeding in India is a very important industry and has vast possibilities and its expansion would open up further fields of employment if handled in a proper manner and if Government will give it proper encouragement. Not only is this industry in its infancy in India but it is much behind hand compared to other countries and therefore there is considerable room for improvement. The establishment of a profitable market alone will serve to bring about a real expansion of horse-breeding in this country.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Market for racing purposes ?

THE HONOURABLE SIR PHIROZE SETHNA: And selling to the public at large.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: What for ?

THE HONOURABLE SIR PHIROZE SETHNA: To be used as horses for carriages, etc.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I did not know that in Bombay carriages were not replaced by cars !

THE HONOURABLE SIR PHIROZE SETHNA: Large cities like Bombay and Calcutta may not do so but there are more than 30 cities in India with a population of more than a lakh each and many more smaller towns which certainly use horses for carriages as also for utility purposes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: For transport ?

THE HONOURABLE SIR PHIROZE SETHNA: There are many industries in India which cannot afford motor trucks for the carriage of their goods and they are content to have horses.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Use bullocks.

THE HONOURABLE SIR PHIROZE SETHNA: If they can get horses at reasonable prices these industries would prefer horses to bullocks or buffaloes.

In April last the Honourable Mr. Gounder asked a question as to the number of horses purchased for military purposes from the different horse-breeding areas in the Punjab. The Honourable Mr. Hallett replying on behalf of His Excellency the Commander-in-Chief said that during the last 10 years the number was 10,034 young stock horses and 421 full grown horses. As the average prices are respectively Rs. 230 and Rs. 635 the value of these horses amounted to Rs. 25,72,855. He further informed the House that from the Shahpur area they had 4,621, from the Montgomery area 4,775, from the Chenab area 460 and from the Rawalpindi area 168. In addition a far larger number were imported which means that so much money went out of the country.

Brigadier W. H. Anderson, the late Director of Remounts in India, wrote an article in *Horse and Hound* in which appears the sentence :

" Even in England the breeding of 'utility' horses alone, without some measure of assistance or subsidisation does not pay ".

Horse Breeding, the journal of the National Horse-breeding and Show Society of India, in commenting on this letter remarked as follows :

" It is the same in India. But if India would follow the example of South Africa in the encouragement given to her horse-breeding industry she would soon place her industry in a flourishing condition. And India has this further great advantage, that she is still at the beginning of things and can set up a standard and type of her own which will be useful for all purposes. Do not let her confine her attention to the production of race horses

pure and simple except so far as it will give her her own stallion power, but let her secure such a large extension of racing for Indian horses generally as will bring out and develop the grade stock of the small Indian breeders and give them the necessary profitable market. The two activities can run side by side with profit to all and benefit to the country ".

India cannot do better than follow the example of South Africa. In that country home-bred horses are encouraged to a great extent. There is there what is called The Jockey Club and it has amongst its objects the promotion and encouragement of horse breeding and the publication of a Stud Book. All this is entirely absent in India.

All classic and what are known as " terms " racing are confined to home-bred horses. There are 12 such races of a value of £500 to £1,500 to the winner and in some cases up to £100 is given to the breeders of the winners. The classic races in India such as the King Emperor's Cup, the Viceroy's Cup, the Eclipse Stakes and others are for imported horses. There are only three races for home-bred horses and in all only six races of the value of £300—£500 to the winner. In no race is any sum given to the breeder of the winner.

The total value of stakes in Africa is about £320,000 per annum, the bulk of which is won by South African horses. Contrast this with the position in India. The total value of stakes here has been reduced of late from Rs. 55 lakhs to about Rs. 42 lakhs but of this only Rs. 2 lakhs is allotted to races for Indian horses.

South Africa will not permit imported geldings to race in that country. In India geldings are encouraged by what is known as Griffin schemes.

Another important feature in South Africa is that an important tax of £100 is levied on every horse imported for racing but not on horses that are imported for breeding. In this way the importation of good stallions and mares for breeding purposes is encouraged. Race horses although unquestionably a luxury are imported in India free of any tax. Because these imported horses carry away the best prizes in racing, India in this shape offers a direct subsidy to breeding in other countries. The best breeding stock which could be most valuable to India are re-exported to other countries.

Whilst the percentage of imported horses racing in South Africa is approximately 15 per cent. the home-breds are 85 per cent. The table are reversed when we consider the figures in India. About 90 per cent. of the horses in Indian racing are imported whereas only about 10 per cent. are home-breds.

Only some years back there were hardly any horses in South Africa but all this has now changed and horse-breeding is today a flourishing industry. The breeders can afford to buy high class sires and mares. The result is that home-bred horses can hold their own against imported horses. On the other hand India at one time had more horses than any other country and they were second to none in stamina. According to one authority, General Tweedie, the country was very deficient in horses despite the demand being constantly on the increase. The deficiency had and still has to be made good by importations just because not enough encouragement is given to the home-bred horses.

About a year ago the National Horse-breeding and Show Society of India, of which I happen to be a member, addressed a letter to Government in which they laid stress on the fact that the horses rejected for army purposes for some technical faults, would be valuable to the country and form a useful reserve in time

[Sir Phiroze Sethna.]

of emergency if means could be devised for their proper rearing and development; and they drew the pointed attention of Government to taking remedial measures. The Society suggested that it might be possible to keep and rear at least some of the rejections with the idea of affording the breeders a better market. Government it appears did not find this suggestion feasible.

In the same communication the Society instanced the cases of the different countries where a portion at least of the proceeds of betting taxes, course taxes and totalisator revenues are allocated for the improvement of horse-breeding either in the form of direct subsidies to the industry or of races for breeding stock, premiums, prizes, etc. This is so in Belgium, Czecho Slovakia, France, Germany, Hungary, Irish Free State, Italy, Japan, New Zealand, Poland, Russia, South Australia, Sweden and the United States of America. Why then should not India follow their excellent example and improve its breeding of horses and make the country independent of overseas importations?

Horses imported for racing purposes may well be taxed. South Africa levies a duty of £100 on each imported race horse. It may be argued that even if a duty of anything from Rs. 500 to Rs. 1,000 per horse were levied in India it would not bring in a substantial revenue to Government and therefore it would not be worth while doing so. It is not the amount of the duty that Government will derive that has to be considered in this respect but what we have to consider is the improvement of the breed in India and this can only be carried out by special races for Indian horses and by preventing imports of overseas animals by such duties. It is therefore that in the interest of the country that this Resolution has been moved by me and I trust it will meet with the acceptance of the Council.

Some time back an article appeared in the *Times of India* on "The Future of Horse-breeding in India". This I find has been reproduced in the January, 1934 number of the magazine entitled *Horse Breeding*. I propose to conclude my remarks by quoting from this article the five distinct advantages it has enumerated which says would result to India if we had a prosperous horse-breeding industry in India. They are:

(1) It would lead to greater contentment and welfare of the agricultural and rural population of India, which would be a valuable political asset.

(2) It would obviate the alienation of large sums of Indian money for the purchase of horses from overseas.

(3) It would eliminate the risks which the country is now running through not being self-contained in horses in the event of war.

(4) It would obviate the expense and risk of importing at a critical time horses from overseas, horses which require a lengthy period of acclimatisation before they are fit to take the field.

(5) It would eventually build up a surplus of horses for export to the economic benefit of the country.

Sir, what I am proposing is by no means out of the ordinary. In this very morning's issue of the *Statesman* you find a telegram from its Colombo correspondent dated yesterday which reads as follow:

3 P.M.

"The Municipal Council has agreed to a suggestion that the quota for importation of sheep and goats be reduced from 4,000 to 3,000 monthly from October 1st. The introduction of restriction has resulted in an impetus being given to local breeding. Experiments made to improve stock by the introduction of Indian varieties are said to have met with success. It is felt that the local supply is now sufficient to warrant a further reduction of import".

If Colombo can do this in regard to sheep, how much more is it not necessary for us to do what I have proposed in my Resolution in regard to the import of horses in this country?

Sir, before I conclude, I would like to say that I have recommended this heavy customs duty by way of protection to the horse industry. I do not anticipate any difficulty in doing so. But should there be any difficulty or any reason why Government cannot impose a customs duty on horses, about which we should like to be enlightened by the Honourable the Leader of the House,—in that case, we shall be quite content if Government will take such other means as will ensure the complete checking or even a substantial reduction in the imports of foreign horses in this country.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, I have a horse-breeding farm in the Shahpur district and so I speak from personal experience. I rise to oppose this Resolution because I believe that instead of doing any good to horse-breeding in India, it will do harm. As far as I know, horses are imported into India for the following purposes, namely, military, breeding, hacks and polo ponies. The Honourable mover of the Resolution proposes to exempt the horses imported for military and breeding purposes. He leaves out the horses imported for the purpose of racing and polo ponies and hacks. What happens to these horses which are imported into India? First of all, their number is very limited as compared with the number of those imported for military and breeding purposes. Very few of the animals which are imported for racing or as hacks are exported back, if any at all. They remain in the country. A polo pony goes lame or a racing horse becomes unfit for the purpose of racing, then it is either purchased by Government for stud purposes or by some private gentleman—at what price? They purchase the animals at one-fifth or one-sixth of their original price They purchase some of the imported hacks and polo ponies at one-fifth of the price the importer had paid for them. This is to the advantage of the horse-breeders.

As regards the defects in the racing rules. My Honourable friend has said there are so many races for the imported horses and so very few races for country horses. The remedy lies elsewhere. We should have rules to remove these defects. There is no necessity for imposing a duty on imported animals.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): You must have more races for local horses.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: That is what I say. Make the rules. The horse-breeding industry in this country should reach its highest limit. The country horses in breed and quality are not so superior as the horses in other countries, and it is very necessary that we should import horses from outside to improve the breed in this country. As regards prices, I r member very well that 30 years ago, at least in Montgomery and Shahpur, a first class horse was priced at Rs. 300 or Rs. 400. Thanks to the import of high class animals from foreign countries, the thoroughbred and Australian-bred have improved so much that in some stud farms even raw animals fetch from Rs. 2,000 to Rs. 3,000. I again say, Sir, that we want more imported animals in the country to improve the horse industry and therefore any duty imposed on the import of horses will do more harm to the horse industry than any good.

THE HONOURABLE SIR PHIROZE SETHNA: I have not suggested a duty for horses which are imported for breeding purposes.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: My Honourable friend, I have said that the horses which are imported for the purpose of racing or for polo are ultimately used for the purpose of breeding and very few of them—you will bear me out—are exported back from India.

THE HONOURABLE SIR PHIROZE SETHNA: There are some.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: Very few. I have said, Sir, that from the horse-breeders' point of view, any duty imposed on the import of horses from other countries will do more harm than good and so I strongly oppose this Resolution.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I had no intention of taking part in this debate but I was surprised to find that my Honourable friend, who is himself a horse-breeder, has taken exception to this laudable Resolution of my Honourable colleague, Sir Phiroze Sethna. He has so elaborately dealt with the question that I need not dwell on his arguments again. Suffice it for me to say that my Honourable friend, Nawab Malik Mohammad Hayat Khan Noon, is too pessimistic. It is a well known principle that by giving protection and imposing taxation on foreign goods we support local industry. It is such a well known axiom that it need not be reiterated and explained. I would explain to him how this principle, as embodied in my Honourable friend's Resolution, will work in his favour. He is now only wanting to buy defective animals, that is, those which have already been imported into India and have been found unsuitable for other purposes. If we establish a special premium of Rs. 500 to Rs. 1,000 as the price of a fit horse being imported and an unfit horse which comes here for breeding, that will at once establish keen competition between Indian ponies and those ponies which have been rendered ineffective in other parts of the world.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: We want first class ponies, not that merely because they are country-bred we should use them.

THE HONOURABLE MR. HOSSAIN IMAM: My point is, if you import a foreign mare and find that it is not serviceable, it is always returned to the

*Speech not corrected by the Honourable Member.

stud. That is what happens not only in India but in almost all countries of the world. You have a wide market on which you can draw and if you have not drawn in former times it was because there was no special advantage in drawing on an outside market. But now by this establishment we will give a privileged position to the breeding of horses.

Secondly, Sir, we are concerned very much with the increase in the external obligations of the country and as such the Government of India have always been guided by this principle and they have accepted the principle of protection as a basic principle of the customs department. Imperial preference and other things have been brought in simply in order to increase the indigenous production of materials. In such a state of affairs it is only suitable that one of these industries, which forms a sort of secondary occupation of the agriculturist, should have support from the Government by means of everything that can be done in order to encourage the indigenous industry.

Sir, I support the Resolution.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, it is with great reluctance that I rise to oppose my Honourable friend Sir Phiroze Sethna, for whom I have a great regard and for his patriotism and services to India in the past and recently. He has rendered very meritorious services to India and that is why I have a great regard for him. Unfortunately on this question I cannot see eye to eye with him. Sir, I have always been a supporter of free trade in India. (*An Honourable Member:* "Free trade?") That is my opinion. Other people can say what they like. I am giving my opinion. The imposition of duty on any commodity, horses or anything else, is most repugnant to me. According to my idea, when competition is the keynote in every walk of life, on the race course and in the examination hall, I fail to understand why there should be a duty imposed on any commodity, with the exception of intoxicants and articles injurious to human health. If it is desired to stop importation there is some reason in it, but to impose taxation on anything in order to help an inefficient body to cope with other highly skilfully organized bodies is extending help in the wrong direction. You simply encourage inefficiency to cope with efficiency. The survival of the fittest has always been the guiding rule of this world. To impose taxes on horses or other commodities imported to my mind is to penalise the population of India in the interests of the inefficient.

THE HONOURABLE MR HOSSAIN IMAM: Will the Honourable Member vote against protective duties?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I do not vote for any duty at all. A free trader means one who is against putting a tariff on anything. It is the Indian breeders' lookout to produce better horses than the rest of the world, so that an Indian should not be able to obtain a better horse from outside. But if the breeders are not careful about their own productions, the Indian people should not be penalised for their inefficiency. We have already got such a stiff schedule of the Tariff Board that Indians are finding it very difficult to maintain themselves. Their purchasing power has gone down to such an extent that people do not know how to get out of this difficulty. My Honourable friend Sir Phiroze Sethna is suggesting the

[Major Nawab Sir Mahomed Akbar Khan.]

imposition of a new duty on the already much taxed Indian people. Today he is suggesting a tax on horse ; tomorrow he will suggest taxation on asses, bullocks, mules, camels, and all beasts of burden. Does he know how much people are irritated with the present fiscal policy of the Government, and he is now suggesting a new weapon for the offensive armoury of the Tariff Board.

Sir, India is not Germany where every movement of life is regulated. We want to have some latitude of action and let him not suggest some new form of taxation because I am afraid the Honourable the new Finance Member will begin to think that Indians are not sufficiently taxed and he might come with a new taxation of the air and put a meter on the air we breathe and might introduce taxation on child birth. We have had enough of the Tariff Board activities and we have heard enough about the encouragement of our industries. Today, I think, the income of the Government of India from the Tariff Board alone amounts to something like Rs. 20 crores. I cannot say how much of it goes to the encouragement of Indian industries but if a tenth part of it goes to the encouragement of an industry, well, Sir, I do not think that the shareholder of any company has any legal right to exploit the resources of the Indian population at large. The excuse and plea for the patriotic encouragement of local industries is totally exhausted and if our industries cannot flourish within a period of seven or eight years since the establishment of the Tariff Board they will never stand on their own legs and a vast majority of the Indian population cannot be penalised in the interest of a few shareholders of industrial companies.

My Honourable friend Sir Phiroze Sethna will come out tomorrow with a Resolution that fruits grown in Persia and Afghanistan should be taxed because India cannot produce the equal of the foreign fruit. Well, Sir, the build of animal, humanity or vegetarian fruits does not depend on the imposition of duty but it depends on the climate and the environment, and if the climate of India is unfavourable to horse-breeding or there is inefficiency in the department of Indian horse-breeding farms, let them correct their mistakes and let them compete equally with the world without any handicap whatsoever. We cannot rectify the mistakes of the horse-breeders. It is their business and they should see to it, but we cannot penalise the whole of India in the interest of a few horse-breeders. If my Honourable friend Sir Phiroze Sethna as member and patron of horse breeding wants to make some substantial improvement he should rather do it by some private funds and donations and not penalise the purchaser in the way of imposing any duty on them. They have every right to select the best kind of animal wherever it is available, whether it is in England, Ireland, France, America or Australia, and let them have free scope to fix their prices with the breeder or owner of the horses. Any brokerage or imposition of any duty is quite uncalled for and no purchaser is willing to pay a penny to the horse breeder in this behalf. I think my friend in Bombay does not require the riding horse because his movements are all in the automobile, but he should not restrict other people from the selection of their horses in the free market according to their choice. Our patriotism in the shape of the imposition of duty has absolutely gone blunt and nothing is appealable to us whether it is the encouragement of a local industry or local breeders. The catchwords and phrases of patriotism have lost all their force

with us on account of its very clear definition by Voltaire. Patriotism, according to that author, means the sacrifice of poor people in the interest of the capitalists in establishing a factory with the help of the poor and thus enriching themselves with the minerals and the agricultural wealth of that locality at the expense of the children of that soil. What we want is the freedom of our action in the matter of purchases and whoever can sell us the most serviceable articles or horses at a cheap price, he is our supplier and we would not attach the least bit of importance to the consideration whether he is an Indian or Hottentot.

My Honourable friend Mr. Hossain Imam has been taking a lot of trouble and spending a lot of time on this question, but he must know that all the horses —regimental or artillery horses—when they become unfit for service are sold by auction and people buy them. I have bought several mares out of artillery horses for breeding purposes. People buy these horses and keep them for breeding or other purposes.

THE HONOURABLE MR. HOSSAIN IMAM: Army horses will still be free of duty under the Resolution.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: When they are old and unfit, they cannot serve and they are therefore auctioned.

Well, Sir, I do not see any point in imposing a duty on foreign horses, and that is why I oppose this Resolution, in military parlance, lock, stock and barrel.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Sir, I also know a little of horses. I am entirely in sympathy with the object of the Resolution that we must encourage the indigenous breeding of horses. But I do not think, Sir, that the object will be gained by the method that has been proposed by the mover of the Resolution. Now, the mover of the Resolution proposes a customs duty on imported horses whether they are imported Arab horses or English or any other breed. The Honourable mover of the Resolution does not realise that Arab or English horses are imported into India not for the purpose of carrying burdens, luggage or loads or for transport purposes, but they are imported mostly for the purpose of racing or polo. The Honourable Member should know that some of the best horses are brought there, for which very high prices are paid, for the purposes of racing and my experience has been that a large number of those horses after they have finished their racing career are kept here in the country and they are used for breeding purposes and they give us some of the best breeds —even the polo horses. That is the experience. Now, by imposing this duty we will in a way discourage the import of some of the best horses which will be useful to us for the purpose of breeding here in India. Sir, the best breeds we get for a song when they are not fit for polo or for races. If any breeder were to import any of the horses of that pedigree, he will have to pay very large sums of money and I do not think in this country we have breeders who can afford to pay Rs. 1,50,000 for a nice pedigree horse. Nice pedigree horses we get because of the races and we use them for the purpose of breeding here. The best way of attaining the object which underlies the Resolution is to have more country-bred races. There, too, there has been difficulty. There is

[Sir Ghulam Husain Hidayatallah.]

a lot of dispute as to whether a horse is country-bred or Arab. The object of the Resolution could be achieved in two ways. First, every member of the Turf Club ought to assert himself in the Club, and they ought to compel the members of the Club to allot a large number of prices for them. Secondly, pressure ought to be brought on the Local Governments which generally issue licences for race courses to make provision for every Turf Club to encourage more of country-bred horse races. I am sure that if this course is adopted the object that the Honourable mover has in view will be achieved and not by the mere imposition of a customs duty.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, we have listened to a very interesting debate. At times not only was it interesting but also enthusiastic, and it appeared that some of the "horses" were hardly as well disciplined and trained as one might have expected. I hardly expected so much out of this innocent-looking Resolution.

As a matter of fact what has been said by the last speaker really disposes of the main points which arise out of the Resolution. It is the fashion of the day all the world over to express great sympathy with horse-breeding and I should not like to be out of fashion in that respect. Perhaps a great deal of sympathy has been heard as being felt for a species which is threatened with extinction in the future. Still there it is. I could finish my observations on the Resolution in a very few minutes, and I think to the satisfaction of my Honourable friend the mover; but perhaps it would be as well for me to place before the House certain facts, so that when they are considering the *pros and cons* of this industry on some future occasion, they may have certain facts to go by.

Sir, horses in the past have held a prominent position in India, and Rajput bravery is largely associated with horses. In the past too no army was complete without a substantial force of cavalry. I believe a very large section of the army that has from time to time invaded India from the north-west consisted of cavalry. Horses have also in the past been beasts of burden, pack horses. Those were the days when we did not have motor lorries and things of that description. Then there were horses for carriages,—beautiful to look at,—such as we now see when His Excellency drives along the Mall on ceremonial occasions. Well, I think one may safely say that horses as a means of transport are no longer in requisition. Riding is still resorted to, sometimes out of choice, more often under medical advice, but still one may maintain that it has a future before it; it may exist for some time to come. Horses therefore have been a great attraction in the past and today those who come from the big cities of India, from Bombay, Poona, Calcutta, have no doubt their racing horses. Then besides these, I dare say for some time to come horses will be used in battle, although every now and then one reads of these wonderful schemes of mechanisation which may threaten the existence of horses in the army. But so far as the North-West Frontier of India is concerned that will not come just yet. Well, the 1930 census of horses disclosed that there were about 17 lakhs of horses in British India and 5½ lakhs in the Indian States. That gives us India's horse population. As regards imports, I can give you figures for

three years, extending over a period of 10 years,—1921-22, 1926-27, and 1931-32. In 1921-22 nearly 2,000 horses were imported, worth roughly Rs. 20 lakhs. In 1926-27, 5,500 were imported, worth Rs. 40 lakhs, and in 1931-32, nearly 5,000 were imported, worth Rs. 30 lakhs. So, although lakhs are not figures to be despised, but when one talks of Indian imports and when one excludes, as the Honourable mover has done, the horses needed by the army and breeding horses, then the trade which he wants to control would seem to be in the neighbourhood of Rs. 10 to Rs. 12 lakhs a year. So obviously on the side of revenue there is nothing to be said about it. The last figures for 1931-32 from the United Kingdom show that only 329 horses were imported, which works out to an average price of Rs. 2,750. The Australian import was as many as 3,635, which works out to an average price of Rs. 800 per horse; while 998 Arab horses were imported at an average price of Rs. 600.

THE HONOURABLE SIR PHIROZE SETHNA: How is this price determined?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The price is determined by dividing the number of horses by the total value which is given by the people who maintain the register of imports.

THE HONOURABLE SIR PHIROZE SETHNA: That is exactly what I say. You are relying upon the figures given by the importers themselves. They naturally would quote them at much lower figures. As I said in my opening speech, Arab horses are estimated for customs returns at Rs. 300 and we know of scores of cases in which Arab horses have sold for Rs. 3,000 and more.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I can well believe what the Honourable Member says but what I was quoting was not the price per horse but the average price of a horse from a country. The price may be Rs. 3,000 in one place and Rs. 300 in another, but the average price is Rs. 600. Well, this is how the figures stand.

Now, a good deal has been said about the encouragement of home-breeding. Well, let us assume that it is our duty to do this. Would you encourage it by giving it a subsidy or would you encourage it by imposing a tax on horses that come into the country? These are the two ways of doing it. Well, Sir, I do not know to what extent other countries subsidise horse-breeding but we have done a very great deal and some critics of Government (unfair critics, not fair critics) have gone to the length of saying that Government is really not acting fairly in squandering the resources of the country by encouraging horse-breeding to an extravagant extent and they urge that if the encouragement given to its production is strictly calculated, the cost of the horses would be somewhere near Rs. 2,000 per horse while in the market that poor animal would not find patrons of Indian horses willing to give even Rs. 300 for it. That is the condition of the market. Government can help people to produce horses but Government cannot make them buy horses. That is the problem. I do not really like to give all this information that I am going to give, but I suppose it is my duty to do so. In order to do something for horse-breeding, as early as 1901 a Commission was appointed in order to see what could be done. The result was that the Government of India, at the time master and lord of all their provinces, ordained that the Punjab canals shall be utilised for

[Khan Bahadur Mian Sir Fazl-i-Husain.]

the purpose of horse-breeding. Large areas were taken up. Some of the best areas available were given by way of grants, 40 or 50 acres to each grantee, in order to improve this industry, and also in order that horse-breeding may proceed on the right lines, the administration employed highly paid, efficient, qualified officers to see that horse-breeding developed scientifically. I think the cost of maintaining that department amounts to something like Rs. 20 lakhs a year. As for the lands which were given as grants, in two districts alone, Montgomery and Shahpur, a few years ago, before the slump, it was understood that if the grantees were allowed to purchase those lands from Government, the income derived would go beyond lakhs and run into a crore or more. Sir, this experiment has been going on since 1901. In 1918 we found that these sources for the supply of horses were not adequate to meet the needs of the country and a conference was held in 1918 to see how India could be made self-supporting in the way of supply of horses. It was decided that an Imperial branch of the Horse-breeding Department should be created and it was estimated that its cost would be Rs. 18 lakhs initial and Rs. 6½ lakhs recurring. Government did not rise to the occasion. It proceeded five years later, in 1923, to encourage the creation of a non-official organisation, namely the National Horse-breeding and Show Society, of which the Honourable mover of the Resolution is a distinguished member. So at present the situation is that there are what are called bound horse-breeding areas of Sargoda and Montgomery and unbound horse-breeding areas of Meerut including Bulandshahr and Aligarh and also Lyallpur including Jhang and Sheikhupura. These are the two classes, bound and unbound. Then we have 313 stallions maintained with the sole object of improving the breed of horses. These are the Central Government's efforts—in some cases through the agency of the Local Government. Then we have local bodies. Those Honourable Members who have served on these boards know that district boards in many places buy stallions in order to improve horse-breeding in the district. These are the efforts that Government have made to improve horse-breeding in India. I trust Honourable Members will recognise that the record of efforts is not a poor one. The achievement may not be so great as was anticipated at one time but that is probably due to many causes over which Government at all events have little control.

The second part of the Honourable Member's speech referred to the difficulties under which Indian horses are labouring. Those grievances to a layman appear to be real and genuine but he will no doubt realise that those are difficulties which need reform from within rather than by interference from Government. I dare say the existence of those difficulties is to some extent due to the fact that Indian gentlemen of wealth and leisure have probably not taken that amount of interest in the horse-breeding industry as in other countries people of the same class have taken. I am not prepared to agree with my Honourable friend when the Honourable the Deputy Leader of the Opposition says that this is a bye-industry for the agriculturist. I have seen a large number of agriculturists. To suggest that an average agriculturist can go on with horse-breeding as a bye-industry is to show that you know but little about the matter. The agriculturist does not understand it. It is not as if they were goats or sheep to which an agriculturist can attend along

with ploughing the field. This requires special knowledge, special effort and a large capital.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask, Sir, if our Honourable colleague Nawab Malik Mohammad Hayat Khan Noon is an agriculturist or not ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Being an agriculturist is one thing and to say that it is an agriculturists' bye-industry in quite another thing. If the Honourable Member means that an agriculturist is not disqualified from pursuing this industry because he is an agriculturist I would have no objection to the statement. So what can be done is by private effort of the leisured and wealthy classes. I think the Honourable Members of this House owe a duty to this country in this respect. Our landed classes, our monied classes, our merchant princes from Bombay and Calcutta will I am sure in course of time develop that taste—that phase that their confreres in other countries have done. That would be another help to the horse-breeding industry in this country. I do not think my Honourable friend from Mardan is doing his duty in that direction.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: What about private donations ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You gave a donation ?

THE HONOURABLE NAWAB SIR MAHOMED AKBAR KHAN: Why do not they who advocate the imposition of duty give private donations ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I am glad you are going to give a donation!

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I say that the merchant princes should give it who have much more than their legitimate requirements!

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That is the real way in which this difficult problem ought to be met, that is to say, efforts made outside business. I trust, Sir, I have succeeded in assuring the Honourable mover of this Resolution that the Government is cognizant of the very great importance of this subject and that it has done a great deal both so far as the amount of money spent is concerned, the amount of land which has been utilized for this purpose is concerned and the amount of technical assistance that has been given to the producer of horses both in bound and unbound areas and in districts generally. And further the Honourable mover knows that both His Excellency the Viceroy and our Honourable colleague His Excellency the Commander-in-Chief take a great interest in the Delhi Society, and the presence at meetings of the Society cannot fail to encourage all those who are interested in the horse-breeding industry. I agree with the Honourable Member from Sind and the Honourable Member from Mardan that this imposition of customs duty is hardly the best way to proceed. But I am prepared to say that if the Honourable mover of the Resolution feels that there is an industry for horse-breeding in India and that it needs protection, then the course for that industry is absolutely clear. They have to make out a case for reference to Government on definite grounds that they deserve help and the way in which

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that help should be secured. If their application makes out a *prima facie* case, I have no reason to believe that the Government of India will not be prepared to give them a chance of establishing their case before a proper authority, and it would be only after a proper investigation by a properly constituted authority that we can arrive at a reasonable decision on a matter of this importance. On the floor of this House it is impossible to arrive at any decision as to what the nature of the existing industry is, its extent, the amount of help it demands or deserves and so on. I trust the Honourable mover will realise that that is as far as it is possible for Government to go.

THE HONOURABLE SIR PHIROZE SETHNA: Mr. President, I am very much obliged to the Members of the House who have taken part in the discussion on this Resolution. It would appear from the discussion that considerable interest is evinced in the matter and I hope after what the Honourable Leader has said that greater interest will be evinced in the future. I will now proceed to examine the arguments which were advanced by the different speakers. My Honourable friend Nawab Malik Mohammad Hayat Khan Noon opened the discussion and made a speech which nine persons out of ten might take it to be as against the Resolution. But if you analyse his speech you cannot but come to the conclusion that he has supported me right through. How I arrive at that conclusion I will try to explain to the House. He said that there is a remedy and that remedy is in the hands of Government, to do things whereby country-breds may be encouraged. May I point out to the Honourable Member that that is exactly the theme of my Resolution. I admit Government have done something but Government can do ever so much more. His next point was that horse-breeding in India has not reached its highest limit. Again he is in entire agreement with me, inasmuch as we have not reached our highest limit for the good reason that we do not import good horses for breeding and my point is that for that reason if a horse is imported for breeding purposes it should come in duty-free. Lastly, he said a duty would harm horse-breeders. With all respect to him, I contend that instead of harming horse-breeders it will do them positive good, inasmuch as it will improve the existing breeds, with the result that he, if he is a horse-breeder as I understand he is, will be able to obtain better prices than what he is getting today.

THE HONOURABLE NAWAB SIR MOHAMMAD HAYAT KHAN NOON: But the breeders will not be able to get imported high class horses at cheap prices.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, my Honourable friend said in his speech that horses after finishing their racing careers are sold for one-fifth of their former prices. My Honourable friend can ask his agents in London therefore to buy for him for export to India horses which have finished their racing days in England, which he can buy at one-fifth their previous prices and they will come in duty-free because they will be imported for breeding purposes.

The next speaker was the Honourable Mr. Hossain Imam, about whose speech I need not say anything because he has supported me cordially and for which I thank him. Then followed my Honourable friend Major Nawab Sir Mohammed Akbar Khan. I know he is always well disposed towards me and

he expressed his regret that he was unable to support me in this Resolution today. But his speech, if he will permit my saying so, was wide off the mark. It was more or less a discourse on the subject of free trade and against protection. And he gave us the idea that he is such a staunch free trader that he would never support protection. It must have appeared to the House from his remarks that he is so dead against protection in any form or shape that he has never supported any protectionist policy. It seems he has a very short memory. May I refer my Honourable friend to the speech he made on the 2nd April, 1931 on the subject of the Wheat Import Duty Bill. I believe my Honourable friend is a large grower of wheat. I quote the following from the concluding portion of his remarks:

"As far as my recollection goes, in Russia there is a scheme on foot to bring 30 million acres of land under cultivation within the space of five years, instead of a capacity of two million acres of culturable land under the Czars. In case this scheme is executed up to the proposed extent, there will be a large quantity of wheat pouring into the Indian markets, and in case no adequate measures are adopted by the Government of India to restrict wheat imports I am afraid the Indian peasantry will have to face a still more decrease in prices. To avoid that situation it was therefore highly imperative that adequate measures should be adopted which might prove effective to improve the condition of the agriculturists within the country and also to restrict the import of foreign wheat into the country in the near future. I think the present Bill will serve the desired purpose. It is intended to protect and improve the condition of the agriculturists of India. The proposed duty will restrict the import of wheat from foreign countries and at the same time may make for a possibility of an increase of price within the country. In case it does not restrict the import as desired—"

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I admit what the Honourable Member is quoting, but let me explain to him that I am for the imposition of wheat duties simply to enable the *zamindar* to pay the Government their land revenue. Otherwise I say there should be no protective duty at all and the Government must take it in kind. I am absolutely willing to do that, but the *zamindar* will not be able to pay Government in cash unless this duty remains.

THE HONOURABLE SIR PHIROZE SETHNA: Therefore my Honourable friend was not a free trader on the 2nd April, 1931, but he is today. May I conclude the last sentence in this passage:

"In case it does not restrict the import as desired, it will surely contribute a good deal to improving the finances of the country and it will provide some relief to the general taxpayer".

In other words, he used then the arguments I myself have used today. That is not all. There was a further speech by my Honourable friend a year and a half later, on the 17th December, 1932, in connection with the Indian Tariff (Ottawa Trade Agreement) Bill, and he emphatically supported that Bill. I need not therefore say anything more in regard to the views of the Honourable Nawab Major Sir Mahomed Akbar Khan as expressed to the House this afternoon.

I next turn to my friend from Bombay, the Honourable Sir Ghulam Husain Hidayatallah. He too has supported me. He says horse-breeding must be encouraged. What he pointed out was that the object could not be gained by levying a customs duty. If my Honourable friend was in the House when I concluded my opening

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speech, he will remember that I pointedly drew the attention of the Honourable Leader of the House and said that if for any reason it was not possible to levy a customs duty let Government resort to any other methods they liked and that we would be content so long as the import of foreign horses is abolished or is considerably checked. Therefore in that view, my Honourable friend is in agreement with me. He said further, and very rightly, that members should do their best to prevail upon the Turf Clubs to encourage country-breds. My Honourable friend is a very prominent member of the Bombay Turf Club. After what he has said here today I shall look forward to knowing what he has already done in his Club, what he is doing at present, and what he will do hereafter. My Honourable friends opposite, the Honourable Sir Guthrie Russell and the Honourable Mr. Miller, are also members of the same Turf Club and I trust they will all three encourage the racing of country-breds in the Bombay races; and if Bombay leads, the others will follow.

I now come to the speech of the Honourable Leader of the House. I want to express my indebtedness to him not only for the very interesting but for the very informative speech he has made. I admit that though I have read some literature on the subject, I certainly was not aware of the details which he has placed before the House in regard to the subject of horse-breeding in this country and the help that the Government of India has given to it, and I must admit that the Government of India certainly has done something so far, and we do hope, as he has himself assured us, that all the Government members from His Excellency the Governor General and the Commander-in-Chief downwards are all taking great interest in this question, they will do all they possibly can to see that country-breds are encouraged both in racing and in other matters. Now, Sir, the Honourable Leader told us that they can only do what is wanted either by taxation or by offering subsidies. He said he did not know what other countries did. May I remind him that in my first speech I gave the instance not of one or two countries, but of as many as fourteen countries which have adopted the principle of devoting a portion of the proceeds of betting and course taxes and tote revenues for the purpose of improving the industry. You too may well do the same. Then, again, the Honourable Leader of the House said that it is for Indians themselves to encourage horse-breeding and to produce good Indian horses. If Indians purchase more foreign horses and not country-breds, it is because they can so easily get imported horses. Follow the example of South Africa which encourages her home industry in horse-breeding and has placed such restrictions on the import of horses that in a country where some years ago there were hardly any horses, they have hundreds upon hundreds today which can compete with any foreign material that is imported there and that is exactly what my Resolution contemplates in regard to India being able to likewise.

The Honourable the Leader further said that if you eliminate those horses which are imported for military requirements or for horse-breeding, the value of the remaining horses will not be more than Rs. 10 to Rs. 12 lakhs and it is not worth while for the Government of India to collect any customs duty on horses of that amount. I do not dispute the figures he has given,

but I said in my opening speech that it is not the amount of revenue with which we are concerned, but the steps to be taken whereby the indigenous industry will be improved and enable us to have good Indian horses.

The Honourable the Leader was good enough to give us the census of horses in this country. He said there are 17 lakhs in British India and 5½ lakhs in Indian States, making a total of 22½ lakhs, which shows that in India we do require tens of thousands of horses every year. Therefore if the local industry is properly organized and properly encouraged, will it not follow that these country-bred horses will take the place of the imported foreign horses? And my Honourable friend Nawab Malik Mohammad Hayat Khan Noon will find a very profitable market for the horses he breeds and so will the others.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: The military authorities want horses of a special standard. By improving the breed we are trying to secure the required standard. Fresh blood improves the standard.

THE HONOURABLE SIR PHIROZE SETHNA: I do not dispute importing foreign blood for purposes of improving our existing breed, so that country-breds which you say have not reached a high limit may reach the limit that you want them to reach.

Sir, I will not take up the time of the House any longer. I am very thankful to the Leader of the House, I repeat, for the sympathetic speech that he has made and for assuring us that Government will try to help us. May I suggest to him that if he cannot interfere in provincial matters directly in this connection, he might send a copy of the debate to all the Provincial Governments and request them in particular to prevail upon their Turf Clubs to see that more races are run by country-breds than they are today. I have already given figures to show that out of a total of about Rs. 42 lakhs for stakes only Rs. 2 lakhs is allotted to races for Indian horses, which I say is a scandal. I have nothing more to add. I accept the Honourable Leader's assurance and ask for leave of the House to withdraw my Resolution in the fervent hope that Government will do their best to improve the existing situation.

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

RESOLUTION *RE* ENLARGEMENT OF THE SCOPE OF AGRICULTURAL RESEARCH.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I beg to move:

"That this Council recommends to the Governor General in Council to enlarge the scope of agricultural research, so as to include problems connected with agricultural co-operation, and to give adequate representation to co-operative institutions on the Council."

Honourable Members will remember that I brought the subject of co-operation into discussion in March last and they might wonder what is the object with which I have brought up again the subject of co-operation into discussion after an interval of six months. Sir, it is because I feel that co-operation is one of the most important nation-building subjects and because, Sir, I feel that this is

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the only subject among nation-building departments which has been totally neglected by the Government of India. We all know that agriculture, education, medical relief, public health and industries are all connected with the Government of India somehow or other and they are taking interest in them; but we find that co-operation which is one of the most important subjects of the nation-building departments is practically neglected. Sir, I believe that the salvation of the rural classes of India depends upon this movement. India is an agricultural country and unless you help the agriculturists in all possible ways, you cannot better the position of the country. Sir, we all know that the indebtedness of the agriculturists has risen to more than Rs. 9 crores. We all know also that illiteracy amongst them is the highest as compared to other countries of the world. We all know too that the plight of the agriculturists is so bad that they do not know anything that is passing beyond the village in which they live. For all these drawbacks I believe the most important remedy lies in the development of co-operation. Sir, the principle of co-operation is all for one and one for all.

With your permission, Sir, I may quote one sentence from the utterances of His Majesty the King Emperor in 1911. His Majesty said :

" If the system of co-operation can be introduced and utilised to the full, I foresee a great and glorious future for the agricultural interests of the country ".

Sir, those words have been written in golden letters by the co-operators and I submit that they will hold good for centuries. Sir, all the important commissions connected with agricultural development have expressed more or less the same views and laid great stress on the importance of co-operation. The Royal Commission on Agriculture said :

" If the rural community is to be contented, happy and prosperous, Local Governments must regard the co-operative movement as deserving of all encouragement which it lies within their powers to give ".

Then, Sir, later on, the Committee of Foreign Banking Experts, appointed in connection with the Indian Central Banking Enquiry Committee, also laid the same stress on this aspect of the question. They said :

" The co-operative movement, in spite of imperfections and unavoidable setbacks deserves every possible assistance from all quarters, because there is no better instrument for raising the level of the agriculturists of this country than the co-operative effort and a strong appeal to the banking interests of the country to assist this movement seems not at all out of place ".

So, Sir, we find that every commission connected with the co-operative movement has laid stress on its development. Sir, in March last I moved a Resolution and that Resolution as worded was such as to entail some financial expenditure on the Government, and the Honourable the Leader of the House was pleased to say in reply as follows :

" It is intended, Sir, that the Local Governments be now addressed on the subject. The scheme cannot proceed any further unless the Local Governments are anxious that it be established, because after all it is for them.... They will be in a position to make up their mind when two things happen. Firstly, when provinces show that they are in earnest in desiring that it be established and, secondly, as the Honourable Members on doubt are aware, when conditions favourable to its establishment are forthcoming, that is to say, till the acute financial stringency that prevails and has been in the way of establishing any new venture, however small the cost of it may be, is removed, it is not possible for Government to move in the matter ".

Sir, from this reply I thought that there were certainly some practical difficulties in the way of the Government and that these difficulties could not be solved easily without taking the opinions of the Local Governments which might take any length of time, and then was the question of financial stringency, which was another condition about which nobody could say when it would be removed. Sir, considering all these matters, I have ventured to bring forward this Resolution. This Resolution will solve the problem. Co-operation is one of the most important parts of the agricultural problem. The Government of India, according to the recommendations of the Royal Commission, have set up an Imperial Council of Agricultural Research and have allotted some non-recurring and recurring funds to it. If the Government choose to enlarge the scope of this Council and bring the subject of co-operation also within its purview, with the addition of a few more members, I think this will fulfil the object of my Resolution and will not entail any large expenditure. I think five to ten thousand rupees will be the most that will be required if the scope of the Imperial Council is enlarged on the lines I have suggested.

Sir, the Resolution that I have moved here I moved in the All-India Co-operators' Conference also that was held on the 25th June at Amraoti. That Conference was attended by representatives from all the provinces and by veteran co-operators, and was presided over by Sir Lalubhai Samaldas. In that Conference I moved exactly the same Resolution and it was unanimously accepted. So, Sir, when I am moving this Resolution, I have the backing of the whole of India so far as the co-operative world is concerned.

Sir, I asked a question on the 8th of this month and in answer the Honourable the Leader of the House was pleased to say that Government had nominated one co-operator on the Imperial Council of Agricultural Research. Sir, I looked into the proceedings of the Advisory Board of the Imperial Agricultural Research Council held at Simla from the 8th to the 12th August, 1933. There were 44 items on the Agenda but there was absolutely no mention of co-operation. Then, Sir, I looked into the proceedings of the Annual General Meeting of the Imperial Council of Agricultural Research held at Delhi on the 24th January, 1934 and I found that there too there was no mention of co-operation. Sir, I went through the Annual Report of the Imperial Council of Agricultural Research for 1932-33, which was the only latest report available in the Library and there also I found that there was absolutely no mention of co-operation. From all this I conclude that, in spite of the fact that Government was pleased to nominate one co-operator, the subject has till now not been discussed there. Therefore, Sir, what we want is that the Government may include this subject as so many other subjects and nominate a few co-operators who may bring up subjects regarding agricultural co-operation for discussion. Sir, there is no constitutional difficulty in this because under the constitution of the Imperial Council of Agricultural Research I find that His Excellency the Governor General in Council can appoint any number of persons on the Council he likes. In that Resolution they have mentioned particular persons who will represent the associations and then they add,

" such other persons as His Excellency the Governor General in Council may from time to time appoint ".

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That is the Resolution of the Government of India on the Report of the Royal Commission on Agriculture. So, Sir, there is no constitutional difficulty also. They have got the power to nominate some member. Why not nominate some co-operators and bring this subject also into discussion at their annual meetings ? We all know, Sir, that resolutions adopted by the Imperial Council of Agricultural Research are merely recommendatory. There is absolutely no interference with the rights and privileges of Provincial Governments. It will be for them either to accept those resolutions or not. The result will be that members coming from all over India could bring the subject of co-operation into discussion and give a lead to the provinces which they may accept or not.

With these words, Sir, I commend my Resolution to the acceptance of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, it is quite a pleasure to hear the Honourable mover of the Resolution on the subject of co-operation. The sentiments he expresses on these subjects are such that they will do credit to any Minister of a Local Government in charge of co operation and I do hope and trust that in the future an opportunity may be vouchsafed to him to put into practice the ideas to the elaboration of which he seems to have devoted a great deal of time. I need hardly add that I am in entire agreement with him as to the importance of the subject of co-operation. As to the importance of this subject to agricultural development and as to promoting the cause of co-operation I fully agree. He is perfectly justified in saying that at present there is no central organization to promote the cause of co-operation. That is due to the fact that co-operation, like many other subjects, is a provincial transferred subject. Efforts have been made by my Department to have a central organization to serve as a sort of clearing house of information and also as a place where the subject can be studied in a comparative way. Those efforts have met with a certain measure of success, and as the Honourable Member himself pointed out, a reference to Local Governments has, I believe, been made and we are awaiting further developments. In his anxiety to move fast he has got hold of the idea, " Here is an institution called the Imperial Council of Agricultural Research which is doing well, which seems to possess finances, which is young—five years old only, having been started in 1929—and showing signs of development, growth and progress ; on the whole, it has satisfactorily discharged the duties entrusted to it. What more easy than to make this institution do this work as well ?" That is not quite sound. It is unsound administration. You create an institution for a definite work. Give it that work. Give it the means of carrying out that work. Let it do this work. If you are finding it doing well, do not burden it with the other work for which it was not originally designed. After it has developed to its full strength, after it has been in working order for many years, then you may put on a little more extra work to it. What is five years in the life of an institution like that ? Let it extend the scope of its activities. As a matter of fact, as much of co-operation as is an essential part of agricultural research is already within the scope of its activities. I will,

with your permission, Sir, refer the House to sub-paragraph (*a*) of the Memorandum of Association of the Imperial Council of Agricultural Research :

" The objects for which the Imperial Council of Agricultural Research is established are :

(*a*) to aid, develop and co-ordinate agricultural and veterinary research in India by promoting scientific, including technological research, instruction and experiments in the science methods and practice of agriculture, including the marketing of agricultural produce and by promoting veterinary research and instruction and veterinary science by the diffusion of useful information and by such other means as appear calculated to develop agricultural and veterinary research ".

Barring a reference to marketing, Honourable Members must have noticed that the function of this organization is scientific research. No doubt, co-operation is a most important part of agricultural life. But you cannot say that an organization primarily intended for agricultural and veterinary scientific research of the description I have just now read out is necessarily a suitable organization for helping the administration of what one understands by co-operative enterprise in the provinces. As regards marketing, that is expressly included in this. As a matter of fact, as Honourable Members are aware, it is already being developed as has been mentioned in the Government of India's Resolution which appeared in the Gazette of India of 1st May, 1934.

Now, the Honourable mover of the Resolution well may say, " Your scheme of having a general organization is still in train. That scheme was only intended to bring into being an organization which will enable provincial co-operative departments to get into touch with each other in order to see whether by meeting and discussing together they cannot help each other. But something more is needed in the co-operative line ". There is a great deal of force in that view, but may I remind the House that when they discussed the Reserve Bank Bill they must have noticed that there was an agricultural side of the Reserve Bank. It was expected that when the Reserve Bank was started there would be this side, wherein assistance will be given to the co-operative departments of provincial agricultural administrations in the way of advice as to financial matters and in evolving schemes.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Has that question been finally settled ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : There is no question of its being finally settled. There was a Reserve Bank Bill which has now been enacted, and an officer of great experience in co-operation is already engaged to help provinces. I believe that the sort of help that the Honourable Member has in mind in all probability will be forthcoming from that side of the Reserve Bank. In any case I do not feel justified in making the Imperial Council of Agricultural Research extend the scope of its activities in this direction, because I feel that they cannot do that without running the risk of trying to do too much and their organization as I have submitted is not primarily designed for this purpose. Up till now the Imperial Council of Agricultural Research has been lucky in getting on with its work without treading upon the toes of Local Governments. It is because we assist them and also because scientific agricultural research is peculiarly expensive work to do and is not done in many provinces. But the co-operative movement, whether it is being well run or indifferently run, is being carried on by every

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province, and I very much fear that if the Imperial Council of Agricultural Research took that work in hand the opportunities for coming in conflict with provincial administrations would increase and may thereby be endangering the utility of the Council's activities in the work it is already doing. I trust the Honourable Member will realise that he has the same object in view as I have. We differ as to the method of securing it. He thinks that we as a working organization can be linked to the service of carrying out the object of this Resolution. Having consulted my Vice-Chairman and others who are actually running the Council of Agricultural Research, I find I am unable to agree with him in that respect. But I may assure him that every effort will be made, whichever institution comes first into being, whether the one I contemplated or the Reserve Bank, to provide the sort of help the co-operative movement requires throughout India as soon as possible.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I have to say a few words in reply to what the Leader of the House has said. He has read out from the constitution the objects of the Imperial Council of Agricultural Research and says that co-operation does not come within the objects of the Council. Well, Sir, it was only on the 8th of this month that I put a definite question and got a reply from him which was just the opposite of what he has said now. My question was :

"Will Government be pleased to state if agricultural co-operation is included in the subjects discussed at the Imperial Council of Agricultural Research ?"

The reply was,

"Yes, to some extent".

Then my next question was :

"If the answer to part (*a*) is in the affirmative, what subjects, if any, have been discussed since it was established ?"

The reply was,

"The co-operative marketing of agricultural produce".

The third question I asked was :

"Will Government be pleased to state whether any person representing co-operative interests have specially been nominated on the Imperial Council of Agricultural Research ?"

And the answer was,

"Yes, two. Dewan Bahadur T. Raghaviah and Mr. G. K. Devadhar".

So, Sir, from the replies received to my questions I find that the subject of my Resolution is included in the objects of the Imperial Council of Agricultural Research to a certain extent. My question was divided into two parts, one to enquire about the scope of the Agricultural Council as to whether it included co operation and the second to enquire whether adequate representation had been given to co operators. The reply on both the points was satisfactory, that is, that the subject was included and that co-operators were represented on the Council.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : For marketing of produce only.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Yes, I admit, for marketing only. Therefore my object is to develop and enlarge further the scope for these discussions. You are doing something. I think it is inadequate and you can do more. You have got two representatives : have some more, so that there may be greater opportunities for discussion. That is the only object I have in view. If Government is sympathetic to my Resolution and is prepared to help the movement in any possible way, by establishing a central advisory body or by bringing the subject within the purview of the Imperial Council of Agricultural Research, I have no objection to withdraw the Resolution. And I seek the permission of the House to withdraw it.

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

RESOLUTION *RE* NATIONAL DEBT OF INDIA.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary) : With your permission, Sir, may I intervene for a moment at this stage. The Honourable Sir James Grigg would have liked to have been here to deal with the Resolution which is next on the order paper and also to make the acquaintance of Members of the Council ; but unfortunately he has been kept away by duties in another place. If you will permit it, Sir, and also if it is acceptable to my Honourable friend Mr. Hossain Imam and the Council, I should like to suggest that my Honourable friend should merely move his Resolution formally this evening, reserving his observations on it till the next day for the discussion of resolutions when I expect the Honourable Finance Member will be able to be present.

THE HONOURABLE THE PRESIDENT : The Resolution is of a very important character and I am quite prepared to consult the convenience of Government. It would also give us the opportunity of welcoming the Honourable Sir James Grigg who will have an opportunity to reply on this Resolution. In order that the Honourable Member may not lose his priority and that the Resolution may be taken up first on the next non-official day, I would like the Honourable Member to read his Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I move :

"That this Council recommends to the Governor General in Council to form a Committee of experts and Members of this House to enquire into and report on the National Debt, the burden of foreign obligations, and the ways and means of reducing them and to suggest improvements and modifications in the present methods of raising loans in India and abroad."

THE HONOURABLE THE PRESIDENT : The debate on this Resolution will proceed on the next non-official day.

PARSI MARRIAGE AND DIVORCE BILL.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Mr. President, I beg to move :

"That the Bill to amend the law relating to marriage and divorce among Parsis, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1935."

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): I suggest, Sir, that of the Bills which have been laid on the table today two of them be proceeded with on Monday, the 27th August, at 11 A.M. By Monday we hope that other Bills may be laid on the table and then I will be in a position to suggest when the Council should meet next for official business.

The Council then adjourned till Eleven of the Clock on Monday, the 27th August, 1934.

COUNCIL OF STATE.

Monday, 27th August, 1934.

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.

CARRYING OF DECK PASSENGERS FROM RANGOON TO COLOMBO BY THE BIBBY LINE.

123. THE HONOURABLE MR. P. C. D. CHARI: (1) Will Government be pleased to state:

(*i*) Whether the Bibby Line of steamers carry cabin passengers from Rangoon to Colombo and *vice versa* ?

(*ii*) Whether they still carry deck passengers from Colombo to Rangoon ?

(*iii*) Whether they have discontinued carrying from Rangoon to Colombo deck passengers other than the servants of cabin passengers ?

(2) If the reply to question (*iii*) is in the affirmative, will Government be pleased to state:

(*a*) From what date, on what grounds and under what or whose authority such discontinuance was made ?

(*b*) Whether the discontinuance is permanent or temporary, and if temporary, when it will cease ?

(*c*) Whether Government is aware that the discontinuance is causing great inconvenience, trouble and hardship to passengers from Rangoon to Colombo who cannot afford a cabin passage, as such passengers have now to travel *viâ* Madras undergoing quarantine at the Mandapam camp ?

(*d*) Whether Government is prepared to take steps for the removal of this discrimination at the earliest possible opportunity and, if not, why not ?

THE HONOURABLE MR. T. A. STEWART: (1) (*i*) and (*ii*). Yes.

(*iii*) From representations that they have received the Government of India understand that Bibby Line steamers do not now carry deck passengers from Rangoon to Colombo.

(2) (*a*) to (*d*). In January, 1932, it was brought to the notice of the Government of India that Bibby Line steamers some times carried deck passengers from Rangoon to Colombo although the Board of Trade's passenger certificates held by them contained no definite provision for the carriage of deck passengers. After a careful examination of the position the Government of India held that

the certificates issued to Bibby Line steamers by the Board of Trade did not authorize the carriage of deck passengers, however few in number. This decision was communicated to the Agents of the Company at Rangoon and they were told at the same time that their ships would be permitted to carry deck passengers if application were made for a further survey at Rangoon and the Government Surveyor was satisfied as to the adequacy of the life-saving appliances, sanitary arrangements and shelter provided for such passengers. Since then no deck passengers appear to have been carried in the Company's steamers from Rangoon to Colombo. The remedy, however, lies in the Company's own hands.

SURCHARGE ON RAILWAY FREIGHT ON COAL.

124. THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: (1) Will Government be pleased to state:

(*a*) Whether the Railway Board is examining the detailed statistics in order to ascertain whether the surcharge on railway freight on coal had a serious effect on long distance traffic? If so, what action do the Railway Board propose to take to help the trade in general?

(*b*) Are Government aware that the suggestion of the Bengal, Bihar and Orissa colliery owners to the Government of India for restricting the output of coal in the Central Provinces by legislative measures has caused great dissatisfaction and anxiety in the Central Provinces?

(*c*) Have the Government of India consulted the Central Provinces Government as to the advisability and feasibility of the restrictions referred to in part (*b*)? If so, what is the reply of the Central Provinces Government in the matter?

(*d*) Are Government aware of the fact that during the last three years on account of the changed policy of the Railway Board to consume Central Provinces coal, the coal industry in the Central Provinces has been greatly developed by the colliery owners by investing large sums of money?

THE HONOURABLE MR. M. G. HALLETT: (*a*) Yes, but the examination of the detailed statistics has not yet been completed, and I therefore cannot say what action, if any, it may be found possible to take.

(*b*) and (*c*). Government have consulted Local Governments including the Government of the Central Provinces regarding the suggested scheme for the restriction of the output of coal, and are aware of the views of the colliery owners both in the Central Provinces and elsewhere. The reply of the Central Provinces Government has been received but it is not proposed to publish it at present. I may assure the Honourable Member that no decisions will be taken until a most careful consideration has been given to the opinions of all the Local Governments and interests concerned.

(*d*) Government have no definite information.

INCOME-TAX ON HOUSE PROPERTY IN THE AREA AFFECTED BY THE EARTHQUAKE.

125. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: Is it a fact that income-tax officers in the parts of Bihar affected by the earthquake of the 15th January, 1934 have given notice of assessment to income-tax

of house property, whether in the occupation of the assessees or not, and irrespective of the said property being completely destroyed by the quake or rendered unfit for occupation by the owners or for tenancy purposes? If so, do Government propose to issue prompt instructions not to assess such property until the restoration or thorough repair or re-hauling of such property?

THE HONOURABLE SIR ALAN PARSONS: Income from house-property is not assessed separately. It is assessed along with all other income of the assessee concerned and the assessment is made after giving an opportunity to the taxpayer to declare and prove his total income from *all* sources. In view of this procedure, the first part of the question cannot arise. As regards the second part, no such instructions are necessary as the provisions of the Income-Tax Act and the special notification issued recently by Government allowing repair charges in the affected areas up to half instead of one-sixth of the rental valuation should be quite sufficient to give all the relief that is needed.

TRANSFER OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

126. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: (*a*) Has the attention of Government been drawn to the protest, as published in the public press of leading men in Bihar and Orissa against the scheme of the transfer of the Agricultural Research Institute from Pusa to Delhi?

(*b*) Is it a fact that Government has come to a final decision to bring about the transfer?

(*c*) Do Government propose to defer the execution of the scheme for some years.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Yes.

(*b*) Government adhere to their proposal to transfer the Institute from Pusa.

(*c*) No.

FINANCIAL AID FOR THE RELIEF OF SUFFERERS IN THE FLOOD-STRICKEN AREAS OF ASSAM.

127. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (*a*) Have the Government of Assam made any representation to the Government of India for any financial grant towards the relief of the flood-stricken people of Nowgong and Sylhet? Are the Government of India prepared to grant any financial aid in this direction?

(*b*) Is it a fact that the Government of Assam have asked for a grant of Rs. 1½ lakhs from the Indian People's Famine Trust for the relief of the flood-stricken people of Nowgong and Sylhet?

(*c*) Have the Government of India recommended this grant to the Board of Management of the Trust?

(*d*) Have the Board considered this request of the Government of Assam and, if so, with what result?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) No. The second part of the question does not arise.

(*b*) Yes.

(*c*) No. The matter is within the discretion of the Board of Management of the Fund.

(*d*) The Board has decided to make a grant of Rs. 1¼ lakhs in the first instance and to make up the total to Rs. 1½ lakhs if no application for grant is received from any other Provincial Government in the course of the next two months.

NUMBER OF ASSAMESE RECRUITED BY THE ASSAM BENGAL AND EASTERN BENGAL RAILWAYS.

128. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: Will Government be pleased to state the number of Assamese recruited into the subordinate ranks in the different departments of the Assam Bengal Railway and the Eastern Bengal Railway?

THE HONOURABLE SIR GUTHRIE RUSSELL: Government have no information.

LACK OF ASSAMESE MEDICAL GRADUATES ON STATE-MANAGED RAILWAYS.

129. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (*a* Is it a fact that there is not a single Assamese medical graduate appointed as Medical Officer on any of the State-managed Railways in India?

(*b*) Do Government propose to take steps in this matter?

THE HONOURABLE SIR GUTHRIE RUSSELL: Government regret they are not prepared to lay down any fixed proportion for recruitment on a territorial basis.

VOYAGE PAY OF BRITISH OTHER RANKS.

130. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the period spent on board ship during the return journey from India to their destination of British other ranks counts as service in India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Yes, Sir. The Honourable Member will see from the answer which I shall be giving today to his question No. 142 that the voyage pay of British other ranks is borne by India, and it follows that the periods spent on board ship count as service in India. The average period of the voyage is 32 days.

NUMBER OF BRITISH OTHER RANKS WHO LEFT INDIA DURING 1933, ETC.

131. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state how many British other ranks left India during the last year, what was the actual time spent in India by these men? During what months they left India and in what months and years they landed in India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: 13,294 British other ranks left India during the trooping season of 1933-34, *i.e.*, between October, 1933 and March, 1934.

Other information asked for by the Honourable Member in his question is not readily available. To collect it would necessitate a reference to every British unit in India, and Government do not consider the labour involved would be justified.

COST OF CONVEYING BRITISH OTHER RANKS FROM AN ENGLISH PORT TO AN INDIAN PORT DURING THE LAST FINANCIAL YEAR.

132. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the *per capita* cost of British other ranks from a British port to an Indian port in the last financial year?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The cost of conveying British other ranks from a port in England to a port in India during the last financial year was £8-10-0 per head.

INCLUSION OF THE PERIOD OF TRANSIT IN THE AVERAGE PERIOD OF SERVICE OF BRITISH OTHER RANKS.

133. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the period of five years mentioned in reply to my question No. 113 of 28th March, 1934 is inclusive or exclusive of the period of transit to and from India? Was the question of the period of transit being charged to the War Office referred to the Capitation Tribunal? If so, with what result? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The period of five years mentioned is inclusive of the period of transit. The question was not referred to the Capitation Tribunal. The matter has never been in dispute and the Government of India have always accepted liability for voyage pay of units, detachments and details proceeding to and from India.

ELIGIBILITY OF MEDICAL GRADUATES OF INDIAN UNIVERSITIES FOR APPOINTMENT TO THE INDIAN MEDICAL SERVICE.

134. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state what action they have taken to make the graduates of Indian universities eligible for service in the Indian Medical Service after the passing of the Indian Medical Council Bill? Will Government state what is the required qualification now?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Government have under consideration a proposal to amend the rules regarding appointment to the Indian Medical Service, in order to make candidates possessing medical qualifications included in the First Schedule of the Indian Medical Council Act eligible for appointment to that Service. Under the present rules a candidate must possess a qualification registered in Great Britain and Northern Ireland under the Medical Acts in force at the time of his appointment.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: How long will it take to come to a decision on the question of amending the rules?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is impossible to say at the present moment.

DATE OF ISSUE OF REVISED LEAVE RULES.

135. THE HONOURABLE MR. HOSSAIN IMAM: With reference to my question No. 193 of 16th September, 1933, will Government state when the

Leave Rules were issued? Will they be laid on the table and will they affect the old incumbents? If not, why not?

THE HONOURABLE SIR ALAN PARSONS: The revised leave rules were issued in December, 1933 and published in the Gazette of India of the 16th December, 1933, a copy of which is available in the Library of the House.

Broadly speaking, these rules do not apply to those who were in service on the 15th July, 1931, unless there has been a break in their service subsequent to that date. Rules governing conditions of service are not altered without due consideration for the rights of Government servants, as it is necessary to maintain a sense of security in Government employment. In the absence of other over-riding considerations, the general policy is therefore to make alterations in such rules applicable only to those who enter Government service subsequently.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask, Sir, if this policy has been observed by the Government to the advantage of the services, for instance, in the case of the Lee concession?

THE HONOURABLE SIR ALAN PARSONS: On certain occasions new concessions are applied to officers and staff already in the service. Of course, for example, the object of the Lee concessions was to give concessions to people already in the service.

THE HONOURABLE MR. HOSSAIN IMAM: Did not the General Purposes Committee recommend to the Retrenchment Committee that the rules for existing incumbents should be modified and amended?

THE HONOURABLE SIR ALAN PARSONS: I fear the Honourable Member's memory of the voluminous recommendations of these Committees is very much better than mine!

LEGISLATION FOR REGULATING THE HOURS OF WORK OF DOCK LABOURERS.

136. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether they contemplate any legislation to regulate the hours of work for dock labourers? If so, have they consulted the interest concerned; and when do they expect to bring it before the Legislature?

THE HONOURABLE MR. T. A. STEWART: As a result of the recommendations made by the Royal Commission on Labour in India, the Government of India have under consideration the question of undertaking legislation for the regulation of the hours of work of dock labourers. The Local Governments and the other interests concerned have been consulted in the matter and the replies received are now under consideration. The Government of India are not yet in a position to say whether legislation will be undertaken on the subject and, if so, when the necessary Bill will be brought before the Legislature.

DISALLOWANCE OF QUESTIONS AND RESOLUTIONS.

137. THE HONOURABLE MR. HOSSAIN IMAM: Will Government please state whether the disallowance of questions and resolutions is the concern of members of the Government? If not, whose concern is it?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: No. The only authority competent to disallow questions is the President acting

under rule 7 of Standing Order 15. The authorities competent to disallow resolutions are the President acting under Standing Order 59 and the Governor General acting under rule 22.

THE HONOURABLE MR. HOSSAIN IMAM: Does the Governor General act alone or is it the Governor General in Council?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I am sure the Honourable Member is fully aware of the constitutional position.

STERLING LOANS CONTRACTED SINCE 1921.

138. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table the following information about their sterling loans contracted since 1921:

(*a*) Issue price, rate of interest, repayment date, average exchange rates of pound into rupees?

(*b*) The sterling loans repaid between 1921 and 1934?

THE HONOURABLE SIR ALAN PARSONS: I lay on the table two statements giving the desired information.

Statement showing the sterling loans repaid during the period from 1st April, 1921 to the 31st March, 1934.

Name of loan.	Year in which repaid.
1. India 7% Stock and Bonds	1926-27.
2. India 5½% Stock, 1932	1931-32.
3. India 5½% Stock, 1932	1932-33.
4. India 6% Bonds, 1932	1932-33.
5. India 6% Bonds, 1933	1933-34.
6. India 6% Bonds, 1933	1933-34.

Statement showing sterling loans floated by the Government of India during the years 1921 to 1933.

Date of loan.	Name of loan.	Issue price.	Rate of interest.	Date of repayment (earliest and latest dates of maturity).	Average rate of exchange during the year.
		Per cent.	Per cent.		
20th April, 1921	Government of India 7% Bonds ..	100	7	5-10-26 5-10-31	Rs. 15·14 equal to £1.
19th December, 1921 ..	Government of India 5½% Loan ..	93½	5½	15-1-32	Rs. 15·14 equal to £1.
13th/19th June, 1922 ..	Government of India 5½% Loan ..	96	5½	15-1-32	Rs. 15·22 equal to £1.
25th/31st October, 1922 ..	Government of India 4½% Loan ..	85	4½	15-5-50 15-5-55	Rs. 15·22 equal to £1.
13th/17th May, 1923 ..	Government of India 4½% Stock ..	90	4½	15-5-50 15-5-55	Rs. 14·58 equal to £1.
January, 1928	Government of India 4½% Stock ..	91½	4½	1-6-58 1-6-68	Rs. 13·38 equal to £1.
4th/5th January, 1929 ..	Government of India 4½% Loan ..	91	4½	1-6-58 1-6-68	Rs. 13·35 equal to £1.
15th October, 1930 ..	Government of India 6% Bonds ..	100	6	15-10-35 15-10-37	Rs. 13·49 equal to £1.
20th May, 1930	Government of India 6% Bonds ..	99	6	15-6-33 15-6-35	Rs. 13·49 equal to £1.
10th February, 1930 ..	Government of India 6% Bonds ..	99	6	15-6-32 15-6-33	Rs. 13·44 equal to £1.
9th/21st February, 1931 ..	Government of India 5½% Conversion Loan.	£103-12-6 in exchange for each £100 of Government of India 5½% Stock due on 15th January, 1932.	5½	15-7-36 15-7-38	Rs. 13·49 equal to £1.
9th/10th February, 1931 ..	Government of India 5½% Stock ..	97	5½	15-7-36 15-7-38	Rs. 13·49 equal to £1.
20th/21st May, 1931 ..	Government of India 6% Bonds ..	100	6	15-12-33 15-12-34	Rs. 13·40 equal to £1.
26th/27th April, 1932 ..	Government of India 5% Stock ..	95	5	15-6-42 15-6-47	Rs. 13·28 equal to 1.
10th/11th May, 1933 ..	Government of India 4% Stock ..	97½	4	15-12-48 15-12-53	Rs. 13·31 equal to £1.
9th November, 1933 ..	Government of India 3½% Stock ..	97½	3½	15-12-54 15-12-59	Rs. 13·31 equal to £1.

SPECIAL CLASS APPRENTICES AT JAMALPUR WORKSHOPS, EAST INDIAN RAILWAY.

139. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state how many Indians other than statutory Indians have been admitted into the Jamalpur Institute since 1921 and how many of them have been provided with jobs on the Railways? How many have been sent to England and what are their names? What are the names of persons who have not been sent to England and the reasons for not sending them to England?

THE HONOURABLE SIR GUTHRIE RUSSELL: I presume my Honourable friend seeks information regarding the Special Class Apprentices who are first trained at Jamalpur and subsequently in the United Kingdom selected under the "Regulations for the Recruitment in India for the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State Railways". If so, a statement giving the necessary information since 1927 when this scheme was inaugurated is placed on the table of the House.

Statement showing the number of special class apprentices recruited for the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State Railways from 1927 to 1932.

Year.	Names of apprentices recruited.	Names of apprentices discharged, etc., during their four years' training at Jamalpur for not passing the examinations laid down in the Regulations or for other causes.	Names of apprentices discharged on completion of their four years' training at Jamalpur.	Names of apprentices who have been sent to the United Kingdom for further training.	Names of apprentices appointed after completion of their training in the United Kingdom.	Remarks.
1927	1. K. C. Lall. 2. M. M. Khan. 3. B. Basu. 4. H. V. Stewart. 5. V. J. Butler. 6. L. N. Chowdhuri.	1. C. J. Butler. 2. L. N. Chowdhuri.	..	1. K. C. Lall 2. M. M. Khan. 3. B. Basu. 4. H. V. Stewart.	1. K. C. Lall. 2. M. M. Khan. 3. B. Basu. 4. H. V. Stewart.	
1928	1. P. S. Venkataraman 2. C. S. Lall. 3. S. Chakraverty. 4. R. Krishnaswamy. 5. L. T. Madnani. 6. W. A. Shaikh. 7. J. Muncherjee. 8. M. R. Zaman. 9. D. B. King. 10. R. Krishnamurthy.	1. D. S. King. 2. R. Krishnaswamy (died).	..	1. P. S. Venkataraman 2. C. S. Lall. 3. S. Chakraverty. 4. R. Krishnamurthy 5. L. T. Madnani. 6. W. A. Shaikh. 7. J. Muncherjee. 8. M. R. Zaman.	Under training in England.	

Statement showing the number of special class apprentices recruited for the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State Railways from 1927 to 1932—contd.

Year.	Names of apprentices recruited.	Names of apprentices discharged, etc., during their four years' training at Jamalpur for not passing the examinations laid down in the Regulations or for other causes.	Names of apprentices discharged on completion of their four years' training at Jamalpur.	Names of apprentices who have been sent to the United Kingdom for further training.	Names of apprentices appointed after completion of their training in in the United Kingdom.	Remarks.
1929	1. P. C. Kapoor. 2. A. N. Mukerjee. 3. M. A. Qureishy. 4. R. Subbiah. 5. C. Anwar Ali. 6. E. G. Kotiswaram. 7. H. L. Khanna. 8. K. Swarup. 9. R. N. Chowdhury. 10. S. Islam. 11. J. R. Mehta. 12. H. Ahmed.	..	1. J. R. Mehta. 2. H. Ahmed.	1. P. C. Kapoor. 2. A. N. Mukerjee. 3. N. A. Qureishy. 4. R. Subbiah. 5. C. Anwar Ali. 6. E. G. Kotiswaram. 7. H. L. Khanna.	Under training in England.	Three more, *viz.*, (1) K. Swarup, (2) R. N. Chowdhury and (3) S. Islam have been given scholarships for training in the United Kingdom but no guarantee of appointment.
1930	1. G. P. Bhalla. 2. I. C. Bahree. 3. D. V. Reddy. 4. K. C. Chopra. 5. H. O. Toomey. 6. A. H. Marley. 7. D. B. Vacha. 8. K. M. Aiyanna. 9. A. R. Baig. 10. N. Mitra. 11. J. O. Burns. 12. F. A. Khan.	1. F. A. Khan. 2. J. O. Burns (re-signed).	1. A. R. Baig. 2. N. Mitra. 3. D. B. Vacha. 4. K. M. Aiyanna.	1. C. P. Bhalla. 2. I. C. Bahree. 3. D. V. Reddy. 4. K. C. Chopra. 5. H. O. Toomey. 6. A. H. Marley.	Do.	
1931	1. K. S. Krishnan. 2. R. Rajagopalan. 3. W. C. B. Britter. 4. Permeswar Sahai. 5. R. D. Nadirshaw. 6. Maung Kyaw Tha. 7. V. S. Chopra. 8. S. N. Husain. 9. Gulshan Rai. 10. S. N. Srivastava. 11. E. L. Tower Jones. 12. C. D. Mirchandani.	1. Maung Kyaw Tha (resigned).	Under training at Jamalpur.			
1932	1. M. K. Tandon. 2. P. Bhattacharjee. 3. Mahmood Hassan. 4. E. S. I. Muthukrishna. 5. P. N. Mathur. 6. J. B. Rosair.	..	Under training at Jamalpur.			

NOTE.—No recruitment was made during the years 1933 and 1934.

AVERAGE ANNUAL RAINFALL OF PUSA, DELHI AND NORTHERN INDIA.

140. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly state the average annual rainfall of Pusa, Delhi and Northern India ?

THE HONOURABLE MR. M. G. HALLETT: The average annual rainfall of Pusa is 48·55 inches and of Delhi 26·84 inches. With regard to Northern India, the Honourable Member presumably desires information for the Punjab, the United Provinces and Bihar. The average annual rainfall of these provinces is 19·91, 38·25 and 48·60 inches, respectively.

AMOUNT OF DISABILITY PENSIONS PAID ON ACCOUNT OF THE GREAT WAR, ETC.

141. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the annual amount of disability pensions paid to those invalidated during the Great War ? How much is paid in England and how much in India ? How much is debited to the War Office and to the Indian Army (1932-33) ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I am afraid the information required by the Honourable Member is not readily available, and Government are of opinion that its collection would not be worth the enormous labour involved.

THE HONOURABLE MR. HOSSAIN IMAM: The last part of my question, Sir. How much is debited to the War Office ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I must ask for notice of that question, Sir, I cannot give details at the moment.

TOTAL EXPENDITURE ON TRADE DELEGATION TO AFGHANISTAN, ETC.

142. THE HONOURABLE MR. HOSSAIN IMAM: What was the total expenditure on the trade delegation to Afghanistan, and what part of it was debited to the British Government ?

THE HONOURABLE MR. R. E. L. WINGATE: Total expenditure on Trade delegation to Afghanistan was Rs. 16,747-10-0 only. Out of this Rs. 1,368-9-0 only is recoverable from His Majesty's Government.

COST OF THE DEFENCE SERVICES IN 1932-33.

143. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the all-inclusive cost of the British Army in India and of the Indian Army in 1932-33 and the *per capita* rate ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The information asked for by the Honourable Member is not readily available as the accounts of the Defence Services are not compiled in such a way as to show the expenditure on the British and the Indian portions of the Army in India separately; nor is it possible to work out accurately the cost of the two portions of the army on the basis of the existing system of accounting. The total cost of the British portion of the Army in India in 1932-33 may, however, be taken to be approximately Rs. 19 crores and that of the Indian portion as approximately Rs. 17 crores but neither of those two figures include non-effective charges.

The army consists of various arms and various ranks with varying rates of pay, scales of equipment, etc. An average *per capita* rate will not therefore represent the cost of any one individual.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: What was the total strength of the British Army and what was the total strength of the Indian Army ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I cannot give you the total in numbers, but there are now 45 British battalions and 98 active and 18 training Indian battalions.

CAPITATION CHARGES.

144. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government state the following information about the capitation charges:

(*i*) The annual training cost.

(*ii*) The recruiting cost.

(*iii*) The period spent in depots.

(*iv*) The cost which does not vary with the time.

(*v*) The full details of £190½ given in reply to question No. 115 of 12th April, 1934, with specification of full details ?

(*b*) Will Government state the actual amount of capitation charges paid during the last two financial years and the *per capita* rate on which it was based ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) (*i*) and (*ii*). I regret I am unable to furnish the information required by the Honourable Member as Government have not received from the War Office any detailed calculations of the annual recruiting and training costs in recent years.

(*iii*) The period of depot training varies according to the arms of the service and is as follows:

Cavalry	*Nil.* (They have no depots.)
Royal Artillery	Fourteen weeks.
Royal Engineers	An average of 38 weeks depending on the trade.
Royal Corps of Signals	Six months *plus* a further maximum of six months technical training.
Infantry	Eighteen weeks.
Royal Tank Corps	One year.

(*iv*) and (*v*). The details of £190-10-0 are as follows:

	£	s.	d.
Initial charges	11	18	9
Maintenance	102	2	8
Cost of depots	57	14	6
Pension of depot staff	4	5	0
Departmental services	14	8	2
Total	190	9	1

or £190-10-0 roundly.

Of the above items, the initial charges alone do not vary with the time.

(*b*)

	1932-33.	1933-34.
War Office	1,400,000	1,250,000
Air Ministry	111,000	210,000

Payments were assessed on the basis of a provisional flat rate arranged in 1927 pending discussion of details before the Capitation Tribunal.

INTRODUCTION OF NEW CONDITIONS OF SERVICE IN ARMY HEADQUARTERS OFFICES.

145. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : (*a*) Is it a fact that some new conditions of service have recently been introduced at Army Headquarters Offices ?

(*b*) Have these new conditions of service been applied to those civilian clerks also who entered service as a result of the competitive examination held by the Public Service Commission in November, 1932 ?

(*c*) Is it a fact that these civilian clerks had received no warning from the Public Service Commission either at the time of the examination or at the time of their appointment that there was any possibility of their being governed by the Indian Army Act ?

(*d*) Is it a fact that all those persons who entered similar services as a result of the competitive examination held by the Public Service Commission in February, 1931 have been confirmed on the old rates of pay on the ground that they had not been specifically warned before or at the time of examination that the rates of pay of the posts for which they were candidates were subject to revision ?

(*e*) If the answer to (*d*) be in the affirmative, will Government be pleased to state why the new conditions of service have been applied to those individuals who had not been warned about the same either before or at the time of examination or at the time of appointment, and why the same policy has not been followed in the cases referred to in (*b*) and (*d*) ?

(*f*) Is it a fact that the persons concerned made representations to the Public Service Commission for exemption from the revised conditions of service in the month of January, 1934 and that the views communicated by the Public Service Commission on those representations to the Government of India were in favour of such exemption ?

(*g*) Will Government be pleased to state whether they propose to ask the Public Service Commission to transfer such persons to the Civil Secretariat and Attached Offices on the occurrence of vacancies in those offices and appoint new persons in their places who, after receiving due warning before appointment, may be willing to accept enrolment under the Indian Army Act.

(*h*) Will Government be pleased to state what other action, if any, they propose to take in the matter ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (*a*), (*b*), (*c*) and (*d*) Yes.

(*e*) The offer of appointment did not specify the conditions of service, but mentioned a certain scale of pay which it was stated was likely to be reduced. Acceptance of an appointment in such circumstances implied therefore acceptance of such conditions as might be fixed for it.

(*f*), (*g*) and (*h*). Government have received representations from certain clerks and these are now under consideration.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, may I ask the questions on behalf of the Honourable Mr. Jagadish Chandra Banerjee ? I am sorry I am a bit late. He has authorised me to put these questions. In case you permit me, I will put them.

THE HONOURABLE MR. M. G. HALLETT : Sir, I was under the impression that these questions were not going to be put today and I am not ready.

STATEMENT LAID ON THE TABLE.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways) : Sir, I lay on the table the information promised in reply to questions Nos. 57 and 58 asked by the Honourable Mr. P. N. Sapru on the 13th August, 1934.

(1) CONFERENCE OF EAST INDIAN RAILWAY EMPLOYEES AT LUCKNOW, AND (2) DISCHARGE OF BABU B. K. MUKERJI.

57. (*a*) Government understand that a Conference purporting to be of "all East Indian Railway workmen" was held at Lucknow on the 14th/15th April 1934.

(*b*) Government have no information.

(*c*) and (*d*). Mr. B. K. Mukerjee was discharged on the 1st May, 1934, with a month's pay in lieu of notice, in terms of his agreement.

EAST INDIAN RAILWAY UNION.

58. (*a*) Yes.

(*b*) No.

INDIAN RUBBER CONTROL BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir I move :

"That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India, as passed by the Legislative Assembly, be taken into consideration."

Honourable Members, Sir, are no doubt aware that since the year 1929, world production of rubber has far outstripped the demand for that commodity. As a result, world markets are heavily overstocked and prices have fallen. I shall quote only two sets of figures to illustrate that point. In 1929 the price of rubber in London was just over 10*d*. per lb. In 1933 it had fallen practically to 3*d*. per lb. At the same time India, which exported in 1928-29 as much as 14 million lbs. of rubber, in 1932-33 sent only one million lbs. A critical situation has therefore been created for the rubber producer whether in India or elsewhere in the world and the rubber-producing industry, following the example of the tea industry, has endeavoured to work out its own salvatin

[Mr. T. A. Stewart.]

through a scheme of restriction. The first proposals for restriction originated with the Rubber Growers' Association in London, a body which is representative of rubber growers throughout the Empire. The co-operation of the Dutch growers in the Netherlands East Indies was then secured, and finally French Indo-China, Siam and Sarawak fell into line. It was in April last that the Government of India were informed that agreement had been reached amongst the various producers and the Government were asked whether they were prepared to join in an International Agreement to give a binding effect to the Agreement that had been reached amongst the producers. Before the Government of India came to a decision on this point, they consulted the two Local Governments mainly concerned, namely, Madras and Burma. They also took the opinion of the two Indian States who are so greatly interested in the production of rubber, namely, Cochin and Travancore. As a result of these inquiries the Government of India were satisfied, firstly, that these Local Governments and these States were strongly in favour of the restriction scheme. They were also assured that an overwhelming majority of the producers in India and Burma were also in favour of the scheme. In the second place, the Government of India were satisfied that *prima facie* India's share of the world markets throughout the period of control would be a reasonable and fair one. In these circumstances, and with the success of the tea restriction scheme before them, the Government of India had little hesitation in signifying their Agreement to an International Convention. There was one other consideration which weighed with considerable force with Government when they came to this decision. Though India and Burma are, comparatively speaking, small contributors towards world supplies of rubber, India has another and an important stake in the industry. The rubber plantations of Ceylon and Malaya are to a very great extent worked by Indian labour and anything in the nature of a rehabilitation of the industry in general was bound to react most favourably on the prosperity of India, especially in the South. Accordingly, on the 7th May this year, Sir Bhupendra Nath Mitra our High Commissioner in London signed an International Agreement on behalf of the Government of India. Copies of this Agreement have, I think, been in the hands of Honourable Members for some days and it is unnecessary for me to mention more than the main outlines of the Agreement. In the first place, each country agreed to restrict to certain agreed proportions its exports of rubber for the period of the Agreement, that is, for five years. In the second place, each country undertook to control within strict limits the extension of planting of rubber during the period of control. It is of course obvious that the last state of the industry would be worse than the first if at the end of the period of control the rubber industry was in a position to put even larger stocks of rubber on the market. In the third place, each contracting country undertook that there should be no undue accumulation of stocks throughout the period of control. When signing the Agreement Sir Bhupendra Nath Mitra made two reservations; the adherence of India was subject first to the agreement of the rubber-producing States, and second to the approval by the Legislature of any legislative measures which might be necessary to implement the Agreement. Travancore and Cochin have approved of the agreement and now the Legislative measures which are necessary to implement it are placed before this House.

The Bill follows very closely indeed the model that was set by the Tea Control Act, and it is unnecessary for me now to enter into any detailed explanations of the various clauses of the Bill. Chapter II implements our obligations in respect of the control of exports. Chapter III implements the obligations in respect of the restriction of planting, while Chapter I prescribes the machinery for the operation of the scheme of control within India. Should there be any doubt still in the mind of any Member as to the wisdom or practicability of a scheme of this sort, I might mention that in the past year and a half there has been only one application in the nature of an appeal against the operations of the Tea Licensing Committee, and as this scheme is based very largely on that former scheme, I think that it may be claimed that there is reasonable chance of its successful operation. There are two features of the Bill however to which I would draw attention. If Honourable Members will compare article 4 of the International Agreement with clause 13 of the present Bill, they will see that whereas in the International Agreement basic quotas have been prescribed for all five years of the scheme of control in the present Bill we have only defined the basic quota for India and Burma for the residual portion of this year. The reason is this, Sir. Since the Agreement was entered into it has been discovered that the statistical evidence on which the Indian quota was calculated was apparently faulty. At the present moment an investigation into these statistics is in progress and if it should appear that there has been a palpable error in calculating India's allotment, representations will be made with a view to securing a readjustment.

It has been suggested in some quarters that the fact that a separate machinery is being set up for India and Burma is by way of being intelligent anticipation of the separation of Burma. This, Sir, is not the case. In the first place, the informal International Committee which originated the scheme prescribed separate quotas for Burma and for India. In the second place, the conditions of production of rubber in Burma differ very considerably from those of South India and the Government of Burma, who were consulted in this connection, were emphatically of opinion that a machinery similar to that used in the tea control scheme could not be applied to the conditions of the small producers in Burma. And thirdly, Sir, geographical conditions make it essential that there should be separate committees. It would be impossible with a single committee to work a scheme of control which extended from Burma to South India.

I think, Sir, that I have said enough to indicate that this scheme of restriction will be for the benefit of the rubber producer in India as elsewhere. I think also with the example of the tea control before us there is every hope that the scheme is a workable one for India. If, Sir, it achieves the object that is contained in the Preamble to the International Agreement, namely, if it succeeds in regulating the production and export of rubber in producing countries with the object of reducing world stocks to a normal figure and adjusting in an orderly manner supply to demand and maintaining a fair and equitable price level which will be reasonably remunerative to the efficient producer, —if, Sir, that object is achieved, the Bill will be well worth the approval of this House.

Sir, I move.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official) : Sir, the Government may well be congratulated on bringing forward this measure which implements an International Agreement which has been framed with a view to improving the condition and prospects of the rubber-producing industry and as such the Bill will be welcomed by all those who wish to see an important Indian industry lifted from its present sad plight and placed on a reasonably remunerative basis. Now, the success of a control scheme of the kind that we have in view will depend to a very large extent on its willing acceptance by the producers and that acceptance will depend on the equity of the scheme. One of the essential parts of the scheme is that certain definite basic export quotas are fixed for the years covered by the control period. While I appreciate the fact that in the Bill it is only the quota for the present year that is actually fixed and while the Bill gives us some hope that the quotas for the remaining years will be fixed after fuller inquiry, the fact cannot be denied that these quotas have been practically fixed by the International Rubber Regulation Committee. But I hope that they have been fixed as far as South India is concerned only on a provisional basis. These quotas have been published and we have to recognise the fact that they have given rise to a large amount of dissatisfaction and heart-burning among the producers of South India, particularly in Cochin and Travancore. A considerable volume of newspaper literature has grown up round this subject and the matter has also been ventilated in other ways. I shall not go into all those details, but I shall mention two facts which would prove that the basic quotas have been fixed after insufficient consideration. I believe that these quotas are based upon the average annual exports for the five years 1928 to 1933. Now it so happens that the figures for these years which are published in the Government of India *Indian Rubber Statistics* do not include the export figure for Aleppey, through which port the rubber from Travancore is exported. I believe the average annual figure for that port works out at something like 950 tons. Then, again, the allowance made for immature rubber, that is, for new rubber which will come into maturity during the control period is stated to be quite inadequate. I do not know what figures of acreage were placed before the International Rubber Committee, but the fact is that no complete figures are available and, as the Honourable mover himself stated, information on this point is now being collected and it is believed that when this information is fully collected, the total acreage for which allowance has to be made will be far in excess of what has been assumed. If, therefore, proper allowance is made under these two heads, namely, export from Aleppey and new acreage which will come into maturity during the control period, the basic quotas which have been fixed for South India will have to be very largely increased. I was very glad to hear the assurance of the Honourable mover that the Government will consider this question and see what could be done in the matter. I really wish that he had given a more definite assurance on this point and I do not see why the Government should hesitate in a matter like this. I should welcome a definite assurance that the Government will take the matter up with the International Rubber Regulation Committee and secure a modification of the quotas which have been provisionally fixed. In this connection I would like to mention a matter which, though it might look small, may be of some practical importance. The proportion of the South Indian quota is really very small, I believe it is only about $1\frac{1}{4}$ per cent. of the quotas of the whole world. Any modification, therefore, which it may be found necessary to make in this quota will not appreciably affect the world tonnage. If the Government give an assurance to this Council and through this Council to the producers of South India, I am sure that it will go a long way to relieve the anxiety which is felt in the south at present.

There is another point which I should like to refer to and it is this. The quota for this year is actually fixed in the Bill. I suppose it means that if after further consideration it is found equitable to increase the quotas, the increase cannot be given effect to for this year. If that is so, I suggest that a suitable amount may be added to the quotas for the succeeding years.

There is one other point also, Sir, to which I would like to draw attention. I observe that in one of the clauses of the Bill provision is made for appeal in regard to orders passed by the licensing committee on applications for extension of cultivation, under which an appeal will lie to the Local Government, whereas I find no provision made in regard to orders passed by the Committee in the allotment of quotas or in the granting of export licences or certificates of origin. I should like to know whether it is intended to make provision for such appeals under the rules to be framed by the Governor General in Council. If that is not the case, I should like to know why it has not been thought necessary to make any provision for such appeals.

With these few remarks, Sir, I heartily support the Bill.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : Sir, I have great pleasure in supporting this Motion. This Bill follows closely on the lines of another Bill, the beneficent provisions of which are already felt by the industry concerned—I mean the tea industry—which has been greatly benefited by the control scheme which has been recently introduced. I hope and trust that this Bill, following closely on the lines of the tea restriction scheme contained in that Bill, will give the necessary rise in prices which will benefit the rubber industry in the province which I have the honour to represent, that is Burma, and the other province, Madras, from which I come.

Sir, certain rule-making powers provide for very important things and the Honourable mover of this Bill will agree with me that the rules framed will be as important, if not more important, than the provisions of the Bill itself. I trust that the Government will consider carefully the observations and suggestions made by the producers of rubber in India and I would particularly remind him of the necessity of providing against hardships to small planters in the matter of publishing proofs or in the allotment of export quotas. I think suitable provision on the lines of the provisions made in the case of small planters in the Tea Control Act should find a place in making the rules under this Act and I hope that Government will see to it that instructions are issued to the committees to see that the small planters' interest do not suffer in the provinces of Burma and India.

With these words, Sir, I support the Bill.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): While giving my whole-hearted support to the provisions of the Bill, may I, Sir, utter a word of caution? International agreements are of the greatest importance and there is no doubt that if all contracting parties carried out the terms of these agreements honestly, fairly and squarely, the results would be always beneficial. But unfortunately it has happened in the past that international agreements have failed to achieve the amount of good with which they were expected to be attended. I would especially in this connection mention the case of the production of opium in connection with which India made a sacrifice and for the matter of that a very heavy sacrifice. As this House knows ever since its foundation very earnest attempts were made by the League of Nations to bring the production of opium under control. An International Agreement was entered into and all those countries who were engaged in the production of opium become a party to that Agreement. But, Sir, several years working of that Agreement showed that the expectation that was built on the success of that scheme was, if not wholly illusory, very largely illusory. The result was that, whereas China for the benefit of which the whole scheme was entered into benefited to a certain extent from the large sacrifice that India made by giving up the production of opium, China herself unfortunately engaged in the production of that commodity. Another sinner, and a very heavy sinner in this respect, was Persia. Whereas India gave up the manufacture of opium, Persia enthusiastically, though clandestinely, took it up, with the result that India's loss was in other words the gain of China and Persia. I hope that the result of the present International Agreement, to which a number of countries are parties, will not be the same.

One thing certainly, Sir, is hopeful and I believe the Honourable Member, Mr. Stewart, is certainly entitled to put that as perhaps the greatest justification of the present measure, and that is, Sir, the success which has attended the working of the international tea restriction scheme. That scheme, so far as I can gather, has been a great success. I do not think it has been in working order for many years but the result has been very satisfactory so far as it goes. I support the measure, Sir, in the hope that the success which will be achieved by the passing of this measure will be very similar to the success that has already been obtained in the case of the tea restriction scheme.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, I have much pleasure in supporting this measure. I have to make only one or two remarks. In framing the rules under this Act, the Government will take care to see that in the working of the rules the small planters are not squeezed out. Sir, in the case of big companies and planters who have got plenty of funds, the restriction may not seriously affect their income, but in the case of small planters who have to depend mainly upon the sale of the produce every year, any strict enforcement of the rules in regard to the small quantities that they are able to put out might seriously injure them. Therefore, Sir, I ask the Government to see that the rules are framed in such a way as to give life to these small planters during the time this Act is going to be in force.

The second point that I wish to press upon the Government is this, that the quota which has been given to India is very small. There are several concerns in South India, both in British territory and in Indian States, that is,

Travancore and Cochin, where large stocks have been accumulated. They could not be exported on account of the state of the market. I do not know whether Government have taken into consideration the stocks already on hand. If all that is taken into consideration I think Government will be satisfied that the quota which has been given to us under the International Agreement is not at all adequate. I therefore strongly urge upon the Government to see whether the quota could not be increased so as to satisfy the claims of South India.

THE HONOURABLE MR. T. A. STEWART: Sir, I shall only very briefly comment on one or two of the points that have been raised. I understood that the Honourable Sir Ramunni Menon wished a definite assurance that representations would be made in respect of the South Indian quota. I understood that I had given such a definite assurance. I have qualified it only by saying that if it appeared that a palpable error had been made, representations would be forwarded. The Honourable Member will not, I think, ask me to make representations whether or not an error has occurred. I can also assure the Honourable Mr. Chari and the Honourable Sir David Devadoss that the question of safeguarding the interests of the small producer will not be lost sight of. The Honourable Sir David Devadoss mentioned the question of accumulated stocks that exist in South India. I would refer him to section 11 of the Act which provides that those stocks should be excluded from the control scheme under certain conditions. These conditions were, I think, notified to producers in South India. The Honourable Sir Ramunni Menon was anxious that some power of appeal should be given in respect of matters not covered by section 30 of the Act. I would refer him to section 7 which provides for a power of review by the Governor General in Council of all acts and decisions of the Licensing Committees. Finally, the Honourable Saiyid Raza Ali expressed doubts as to the sanctity of an International Agreement and he quoted the case of the Opium Convention. Well, I would distinguish between the two cases and the distinction is a very simple one. Rubber at the present moment is worth 3*d.* a lb. Some time ago, to my memory, opium in Rangoon was worth Rs. 175 a lb. I think there will be less appeal to the evil passions of men under the present scheme.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2 to 44 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN INCOME-TAX (AMENDMENT) BILL.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I move:

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill aims at correcting a flaw in the provisions of our Income-tax law dealing with relief from double income-tax—a flaw which was of no practical significance until the recent reduction of the United Kingdom rate of tax. I will attempt, Sir, to explain a somewhat technical matter in as simple a way as possible. The accepted principle on which relief from double income-tax is given is that, when a taxpayer has to pay income-tax on the same income in two countries, he should in the event be mulcted only at the higher of the two rates of tax to which he is subject, and the two countries concerned distribute between them the liability for the refund of the tax at the lower rate. The United Kingdom have undertaken the liability for refunding tax on a doubly taxed income to the extent of half their rate of tax. That undertaking I may say is in no way altered by this Bill. When the United Kingdom rate of tax was higher than the Indian rate, this of course meant that less than half the Indian rate remained to be refunded by India in order to make the total refund up to the Indian rate. Section 49 of our Act accordingly provided that, where the Indian rate of tax was higher than half of the United Kingdom rate, the balance of relief should be given by India subject to the limitation that in no case was more than half the tax payable here to be refunded. In effect, under this provision the maximum relief which a taxpayer can get is half the English rate *plus* half the Indian rate. Owing, however, to the recent reduction of the standard United Kingdom rate from 5*s.* to 4*s.* 6*d.* in the £, the Indian rate is now at certain stages in excess of the United Kingdom rate. Therefore, if the taxpayer gets, as he can under our present law, a refund of half the Indian rate *plus* half the United Kingdom rate, he will be getting a refund of more than the United Kingdom tax and more than he is intended to get in accordance with the accepted principle that he should pay in the event tax at the higher of the two rates. He will be paying less than the higher of the two rates.

The provisions of this Bill secure that, while he will get the full intended relief, so that his total burden will not exceed his tax at the higher of the two rates, he will not get more than this relief. I will give one example, Sir. Take a company now taxed in both India and England which has an income of Rs. 5 lakhs. Its effective rate of Indian tax is now 46 pies and its effective rate of English tax is 43·2 pies in the rupee. It should get relief at the lower rate of 43·2 pies. Under our existing law it would get relief at the rate of 44·6 pies, that being the sum of half the Indian rate and half the United Kingdom rate. That is to say it would get 1·4 pies more relief than was intended, and this relief would be given at 21·6 pies by the United Kingdom and at 23 pies by us. If the Council accept this Bill, it will get relief at the rate of 43·2 pies, that is to say the United Kingdom rate, half the relief being given by the United Kingdom and half by us. I hope, Sir, I have made the position clear. As a whole it can be said that only companies are affected by this piece of legislation. In order for it to make any difference to individuals their income would have to exceed

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Rs. 20 lakhs a year. Smaller companies too will not be affected. Figures which the Central Board of Revenue have supplied to me show that a company would have to have an income of Rs. 1,74,400 before it was touched by this Bill.

Finally, I should mention that if this amendment of the law were not made, India would have on the whole to pay extra relief to the tune of about Rs. 8 lakhs; and I think the House will agree with me that this is not a sum which we can afford to give up in order to make a concession which goes beyond that which it was intended to give to assessees who happen to be liable to income-tax in two countries.

Sir, I move.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, the reason for the introduction of this Bill, as explained, is that at present in certain cases the rate of income-tax in the United Kingdom is less than the rate in British India, a position that was never even contemplated when the original measure granting relief on doubly taxed incomes, was put into effect. That this situation has now arisen is due to the fact that not only have the British Government been able to reduce the income-tax rate by 6*d.* in the pound sterling since April last but because the Government of India, in spite of many representations made to them, have continued the *surcharge* on income-tax in this country.

I consider that it is important that attention should be drawn to this, for not only is it urgently necessary that this particular surcharge should be removed, but that *all* surcharges should be done away with as soon as possible and those that are definitely stifling trade expansion, not later than the close of the present financial year. The Honourable Sir George Schuster, in the course of delivering his budget speech last February, clearly indicated we might expect some such relief when the next budget proposals were submitted to the Legislature and I foresee strong opposition unless something substantial is done in this direction.

Now that the economic corner has been turned, and I think that must be admitted, my opinion is, as a business man with more than thirty years experience in India, that Government should take a courageous view and remove the surcharges as a first step towards reduction in the present heavy taxation under which we are labouring. I am aware that a large sum would be involved and that it would probably mean budgetting for a temporary deficit. It would however give a tremendous stimulus to trade generally and our credit in world markets and financial circles is now so high that I do not believe that even a temporary deficit would cause any adverse re-action. Rather I think would other countries admire us and knowing the conservative policy followed during the past few years, they would feel pretty sure that the Government of India would not take such a bold step unless they were satisfied with the financial position and confident as to the future. I strongly recommend this proposal to the careful consideration of the Honourable the Finance Member and to Government.

I should like to take this opportunity of drawing attention to another point and that is the great evasion of income-tax that still continues and to suggest that this is a matter which well deserves close investigation by the

[Mr. E. Miller.]

Honourable Sir James Grigg. I believe if the net was drawn tighter, large sums would be realised and increased revenue obtained even if this entailed increasing the supervising staff.

I have only to add that although perhaps in principle we cannot oppose this Bill, by accepting it, many companies will thereby not be entitled to refunds on the scale which they hoped to enjoy this year and therefore in doing so with good grace I would express the hope that when framing next year's budget, the Honourable the Finance Member will provide for some measure of relief in taxation, at least to the extent indicated by me.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, the whole object of this Bill is to increase India's income. As far as that goes we on this side of the House can take no exception to it, because it takes money, not out of the pockets of Indians but out of the pockets of somebody else. But the fact, Sir, that the Government of India is looking around for new sources of revenue which they did not have before prompts me to say a few words about the inadvisability of looking into small things while leaving the big things to take care of themselves. The House will remember that the Retrenchment Committee brought forward a recommendation that pensions and leave salaries which are subject to English income-tax should also be subject to Indian income-tax. Thereby it was said that an income of Rs. 50 lakhs would accrue to the Finance Department without in any way making it a burden on any people. The only one to feel the burden would be the British exchequer. Just as the Finance Department is now trying to take Rs. 8 lakhs out of the British exchequer, we wish that the tax on leave salaries and pensions should also come under Indian income-tax.

THE HONOURABLE SIR ALAN PARSONS : May I point out, Sir, that this Bill takes nothing whatever from the British exchequer.

*THE HONOURABLE MR. HOSSAIN IMAM : If it does not, it takes out of the pockets of private persons and companies. Well, Sir, we can tax those persons who escape all taxation when they go on four or five months leave out of India. When they stay for less than six months in England they escape both English and Indian income-tax. If the Government has got no conscientious objection to tapping the pockets of those who escape taxation, they ought to tax at least these people. That would bring in something like Rs. 10 lakhs to the coffers of Government. Then, Sir, our point in this connection was that it should be recorded that if at any time it becomes apparent that by this provision we would allow people to get relief of more than half the Indian rate of income-tax, then an amending Bill will be brought forward.

With these words, Sir, I resume my seat.

THE HONOURABLE SIR ALAN PARSONS : Sir, the Honourable Member who has just sat down will excuse me if I confine my remarks to what is in this Bill and do not range, as I might, over the whole subject of income-tax law and discuss what we might have put into some different Bill. But I gathered from his closing remarks that he wished to know whether this Bill would in any way derogate from the United Kingdom's undertaking to pay

* Speech not corrected by the Honourable Member.

a refund to the extent of half their tax. Nothing in this Bill affects that undertaking at all. The only other Honourable Member who has commented on this measure—and I was glad to see he accepted it—is the Honourable Mr. Miller. He also, if I may say so, appears to me to have dealt chiefly with matters which are not included in the Bill, and I fear I can give him very little comfort. I can give him an answer in two sentences ; the Council has heard one of them on many occasions from me. Government do not give prior intimation of their intentions with regard to taxation. But I can give the House an assurance, which I am sure they, if not the Honourable Member, will welcome that in no circumstances and at no time will the Government of India intentionally and of set purpose unbalance their budget.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, 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 SIR ALAN PARSONS : 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 Tuesday, the 28th August, 1934.

COUNCIL OF STATE.

Tuesday, 28th August, 1934.

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

SHORT NOTICE QUESTIONS.

AMOUNT RECEIVED EACH YEAR BY THE CIVIL AVIATION DEPARTMENT FROM THE PETROL TAX.

146. THE HONOURABLE MR. J. B. GLASS (on behalf of the Honourable Mr. E. Miller) : (*a*) Will Government be pleased to state :

(*i*) the amount received each year by the Civil Aviation Department from the petrol tax since this was first inaugurated up to the present time ;

(*ii*) the specific manner in which it has been allocated each year, with details ?

(*b*) Will Government kindly give an undertaking to place similar information before Members of the Central Legislature as soon as may be possible each year after the financial year has closed ?

THE HONOURABLE MR. D. G. MITCHELL : (*a*) Two statements are laid on the table, one showing the yield from the additional tax on petrol consumed for aviation purposes during the years 1929 to 1933, and the other showing the objects on which the Fund was expended during the financial years 1931-32 to 1933-34 and the allotments made during the subsequent year. However, the Honourable Member will be interested to have at once a broad account of how the money has been allotted. The total yield of the tax to the head of Civil Aviation was roughly Rs. 1½ lakhs. The chief heads to which allotments have been made are as follows :

(1) Experimental installations of lighting of various kinds have cost Rs. 93,000.

(2) The training of Indians for duties connected with civil aviation, and scholarships granted to Indians for study in England amounted to Rs. 27,000.

(3) Experiments on the treatment of soils of aerodromes, to find out the cheapest efficient methods of stabilising them, have cost, (in round figures) Rs. 3,600.

(4) An experimental wireless telephone installation at Santa Cruz, in co-operation with the aircraft of Messrs. Tata Sons, Ltd., cost Rs. 1,500.

(5) Apparatus for meteorological research into atmospheric turbulence cost Rs. 1,500.

The remainder of the Rs. 1½ lakhs consists of an unspent balance and of small items relating to helium research, aircraft material research, and the like.

(*b*) A statement will be placed before the Members of the Central Legislature during the Simla session each year showing the objects on which the Petrol Tax Fund has been expended during the previous financial year.

I. *Statement showing the yield from the additional tax on petrol consumed for aviation purposes during the years 1929 to 1933.*

Year.	Tax. Rs.
1929	6,500
1930	15,750
1931	34,000
1932	41,500
1933	57,200
Total tax ..	1,54,950

II. *Statement showing the objects on which the Fund was expended from 1931-32 to 1934-35.*

Object.	Expenditure. Rs.
1931-32.	
Helium research—	
Examination of samples of natural gas obtained from oil wells in India and Burma for helium content	350
Aerodrome treatment—	
Experimental treatment of soil at the civil aerodrome at New Delhi by the Public Works Department	1,190
Total ..	1,540
1932-33.	
Lighting—	
Purchase of two mobile flood-lights	39,470
Training—	
Financial assistance to Mr. Bhagat B. La for training in England as a flying instructor ..	4,236
Aerodrome treatment—	
Experimental treatment of soil at the civil aerodrome at New Delhi by the Burma Shell Oil Storage and Distributing Co. of India, Ltd. ..	1,073
Helium research	18
Total ..	44,797

1933-34.	Expenditure. Rs.	
Lighting—		
Provision of a fixed flood-light at Karachi Air Port including the pay of the operator and mechanic	23,920	
Provision of special type obstruction lights for the W/T masts at the Mingaladon aerodrome ..	2,862	
Preliminary expenditure in connection with the installation of an illuminated wind indicator at Karachi Air Port	350	
Training—		
Financial assistance to five ground engineer apprentices for advanced training in England in aeronautical engineering	8,000	Allotment.
Experimental wireless installation—		
Expenditure in connection with the installation of a telephonic transmitting apparatus at Santa Cruz in connection with the provision of W/T facilities in the aircraft of Tata Sons, Ltd. ..	1,500	
Helium research	22	
Total ..	36,654	
1934-35.		
Lighting—		
Provision of a beacon at Uterla including maintenance for the year	22,500	Amounts shown represent allotments made. Actual expenditure not yet known.
Installation of an illuminated wind indicator at Karachi Air Port	2,800	
Extra expenditure in connection with the installation of the fixed flood-light at Karachi Air Port	840	
Aerodrome treatment—		
Experimental consolidation of ground at the civil landing ground at Bassein	615	
Experimental bitumen treatment of ground at the Karachi Air Port	720	
Training—		
Financial assistance to five ground engineer apprentices for advanced training in England in aeronautical engineering	8,600	
Scholarship and financial assistance to Mr. P. P. Nazir, an aeronautical research student in England	5,700	
Meteorological research—		
Purchase of an accelerometer research in atmospheric turbulence	1,500	
Aircraft material research—		
Proposed experimental equipment of an aeroplane with armour plate glass wind screens ..	250	
Total ..	43,525	
Grand Total of expenditure from the Fund ..	1,26,516	
Balance unspent	28,434	

NOTE.—The amounts shown represent actual expenditure except where otherwise stated.

RAILWAY BRIDGES ON THE GANGES AND SONE RIVERS.

147. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the following information about the railway bridges on the rivers Ganges and Sone :

(*i*) What bridges are in dangerous condition ?

(*ii*) What restrictions have been placed on railway traffic ?

(*iii*) What measures have been taken to safeguard these bridges ?

(*iv*) Is any danger apprehended to the Hardinge Bridge or to its protective works ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (*i*) None.

(*ii*) and (*iii*). So far as Government are aware no new restrictions have been imposed on account of the flood situation. The only restrictions on traffic at present are those that have been in force for some time, *viz.*, over the Ganges bridges at Benares and Garmukhtesar, where trains are restricted to a speed of 10 miles per hour ; in the former case due to the bridge not being up to the standard required for modern heavy loads and in the latter case due to the portals infringing standard dimensions.

(*iv*) None at present.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, which was passed by the Legislative Assembly at its meeting held on the 27th August, 1934.

RESOLUTION *RE* NATIONAL DEBT OF INDIA.

THE HONOURABLE THE PRESIDENT : The debate will now proceed on the Resolution moved by the Honourable Mr. Hossain Imam on the 22nd August, 1934, namely,

"That this Council recommends to the Governor General in Council to form a Committee of experts and Members of this House to inquire into and report on the National Debt, the burden of foreign obligations, and the ways and means of reducing them and to suggest improvements and modifications in the present methods of raising loans in India and abroad."

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : This Resolution, Sir, which I have brought forward, deals with a subject which is of importance to every country, and to India in particular, because of the fact that India is going to have constitutional reforms very shortly, by which we are supposed to get more powers. As you all know, India is not a sovereign state. At present our Legislatures have no final powers, and our people are not in a position to give a mandate to their representatives to pass rules and regulations and laws. We get our powers from the British Parliament. It is for this reason that it is of special importance at the present moment, when the future is under consideration, that we should bring forward our grievances before the public and the British Government, so that in the next constitution those anomalies may not obtain. The White Paper, Sir, has no doubt advanced the position of India to a certain extent. I regard it as a great concession and one very beneficent to us, that we will not be in future under the East India Loans Act. That, Sir, is a step in the right direction but it cannot blind us to the fact that even now the White Paper scheme is not quite satisfactory. It is lacking in many respects and those defects I may point out later on.

Before we deal with the subject of India's loans, I should like to give a birds'-eye view of how we have fared during the last 20 years. During the last 20 years ending 31st March, 1934, we had a net trade balance of Rs. 776 crores. We have imported in that period Rs. 476 crores of treasure including gold and silver ; and what is a more troublesome thing, Sir, *we have placed upon our shoulders the burden of Rs. 270 crores of sterling loans during this period.* Sir, it is a well-known fact, and does not need much argument to show that foreign debts are a very great burden. I should, in this connection, Sir, like to quote the opinion of the official Committee formed in, I think, 1927 to inquire into the National Debt of England, —I am referring to the Colwyn Committee. On page 26, paragraph 71, they say :

"Most of our witnesses who discussed the matter pointed to the contrast between the internal debt, as involving a mere transfer of purchasing power within the community, *and the external debt, as involving a transfer of goods and services to other countries*".

They further go on to say :

"*The service and redemption of the external debt are decidedly more onerous in nature in themselves, to the country taken as a whole, than the service and redemption of the internal debt*".

This is, Sir, almost axiomatic that in the matter of internal debt Government is a sort of clearing house whereby money is taken out of the pockets of some of its people and put into those of others. It is really functioning in order to facilitate the more equitable distribution of wealth and as such it is doing no harm to the community as a whole. Nevertheless there is no doubt that even internal debts are sometimes hard if we take into account their effect on industry and incentive to trade. That point also was elaborated by this Committee but I need not go into it now.

[Mr. Hossain Imam.]

Then, Sir, one more important aspect which I should like to stress before the House is that it is not merely the rupees, annas and pies we pay which counts and which really makes up the burden of debt. *It is the purchasing power of the money which we are paying which really measures the burden of debt.* In that connection too, Sir, I am indebted to this Committee for having given their report on the English position. Between 1920 and 1925, although there was apparently a fall of 10 per cent. in interest charges, if we look into the commodity prices and compare them with the basic figures of the index number of prices, we find that in England, between these fi e years, the burden of interest charges increased by 56 per cent., whereas within a period of 10 years, the burden of Indian interest charges has increased by more than 100 per cent., because of the great fall in commodity prices and of raw materials. The Secretary of State for India and the Government of India have up till now carried on this business of our national debt untrammeled by the Legislature. In England, Parliament by the Appropriation Bill authorises the Treasury to take loans. Here we have no such legislation. We in India have no right either to dictate to the Treasury the amount or the terms of the loans which they are to take. The result is that sterling loans have been floated at rates much higher than corresponding Indian rates. I should like to quote a few statistics. In 1921-22, we floated in India a loan of Rs. 49 crores at 6 per cent. issued at par, while we floated a loan in England for £7½ million at 7 per cent. issued at par. The way in which this loan at 7 per cent. was doubled by being converted into 3 per cent. irredeemable stock is also subject to criticism, because it has increased the burden of the external debt in the face value enormously. In 1928, we floated in India a loan of Rs. 19½ crores at 4 per cent. issued at 99½ whereas £7½ million were floated in England at 4½ per cent. issued at 91½. In 1929-30, we floated two loans in India, one for Rs. 29 crores and another for Rs. 8 crores. The issue price of the first was 96½ and of the second 98 at 5 per cent. Whereas in England we floated a loan for £6 million at 99 at 6 per cent. In this connection, I should like to remind the House of the figures which were very kindly given to me by our Finance Secretary yesterday—the rate of exchange on the date of the flotation of this loan. This will go to show that it was not very unfavourable for us to take a loan in India. For instance, about this very loan which I have mentioned, the loan of 1929-30, the exchange was Rs. 13·49 to the pound, a favourable rate. It was just a little below, no doubt, but still it was not so bad as to justify the issuing of a loan at one per cent. higher than the Indian rate. Take the loan which was floated in England in May, 1933. We have just floated a loan of Rs. 15 crores at 3½ per cent. issued at 96½. Fifteen days after that, we floated a loan of £12 million in England at 4 per cent. and issued at 97.——

THE HONOURABLE THE PRESIDENT: Are the conditions the same in both countries!

THE HONOURABLE MR. HOSSAIN IMAM: In November, we again floated a loan in England at 97½ at 3½ per cent.

Now, Sir, I come to my second charge that loans have been floated on a much higher redemption yield than our market condi ions justified. It is a well-known principle of finance that the redemption yield on a new loan should be a little higher than the market quotation in order attract subscriptions, but it should never be at such a premium as the Government of India indulge in. I will give only one out of many instances. In 1930, we issued a loan of £6 millions on 9th February, 1930. The loan was opened on that date and closed on the same date. The amount of applications was £38·8 million, *i.e.*, six to seven times the amount floated. Why? Because of the fact that the redemption yield on the market quotation of Government sterling securities was 5·5 per cent. whereas this loan gave a redemption yield of 6·4 per cent. on earlier maturity and 6·6 per cent. on later maturity. A one per cent. higher rate would not be offered by any country except one on the verge of bankruptcy.

Then, Sir, there is great discrimination which the Government of India are now making between the facilities for rupee loans and sterling loans. I refer to the fact whereby sterling loans have been given the facility of making deferred payments, whereas in all the rupee loans issued recently, the payment has got to be made on the counter. Then, Sir, rupee loans could be floated at much more advantageous rates than when it comes as a surprise or at inopportune moments in the market. An instance of manipulation was offered by the last 3½ per cent. loan. There is now a premium of 2¼ from the issue price. Sir, the Treasury has been in the habit of keeping large balances. If these balances represented the savings of former years, there could not be so much objection. But when we have uncovered debts of more than Rs. 200 crores, it is really unthinkable why they should keep such huge balances as Rs. 57 crores in 1928 and Rs. 44 crores last year. If they could manage their business with Rs. 24 crores, they will be having a saving of Rs. 80 lakhs in the interest charges. The Acworth Committee on Railways reported that we should have a sinking fund for the railways. That report, made 12 years ago, has remained a dead letter, and the railways sinking fund is tagged on to us and the railways are not getting any benefit. If they had their own sinking fund and reduced their contribution to our sinking fund the amount of debt reduced thereby would have been considerable.

Sir, our Reduction and Avoidance of Debt Fund has been mismanaged. I make use of this word because I cannot find any other to express it. We know that it is not an orthodox sinking fund from which we are under compulsion to buy up securities. Our provision from the very beginning has been for reduction and avoidance of debt. That may be a good line but in effect we find that it has been used simply to mask the ill-effects of the contraction of currency, the withdrawal of silver rupees and their conversion into sterling assets. In England and in all the Dominions there is a National Debt Commission which manages the provision for redemption of debt. All these countries have provided for this for a long long time in order to remove these monies which are a temptation to a Finance Member, from his control and utilise them for the orthodox type of sinking fund operations. There are at the present moment many securities held by this Debt Commission of the British Government. They have sometimes come in and purchased secu-

[Mr. Hossain Imam.]

rities directly from Government without the manipulation of the market, and they have helped the Government no doubt, but with this difference, that we know the manner in which this fund is being worked and the real position of the treasury. Although I have hunted through the budget heads I could not find any head of account showing how this part of our funds was specifically spent. It is merged simply into the Government balances. We do not get any accounts from it. The result is that all this Rs. 60 crores which we have set aside for reduction or avoidance of debt during the last 10 years has been made up by the loss of Rs. 45 crores on account of contraction of currency. The one asset is covered by the other loss. If we had not this provision, then all this loss on account of silver sales would have come into the capital account and we would have known that we have lost Rs. 45 crores on account of this contraction of currency. That there is no proper sinking fund arrangement comes out clearly when we grasp the position of other Dominions. Most of them have got sterling funds. In their loan advertisements they specifically mention that they have a sinking fund in England of so much money which is utilised in such and such a way, so much for purchase of sterling debts, etc. We have nothing of the kind, with the result that our prestige and our position in the English market are very low. We have to take loans at 6½ per cent., as we did in 1931. It is really when you require the money that your credit should be high. When you are in funds you do not require money and, as a consequence, your credit is high and you can get money at a cheap rate, but you do not require it. This is happening now. It is a tragedy that our huge balance of Rs. 50 crores held in England in the G. S. R. is utilised not for the purpose of sustaining the credit of the Indian Government but that it is administered by the Debt Commissioners of England. In Mr. Hilton Young's book it is mentioned that this fund is administered by the British National Debt Commissioners. I wish to draw particular attention to the fact that in 1933 on the 20th March I moved a Resolution asking that sterling commitments should be reduced and that Resolution was accepted by the Government. After that the first loan was floated in May. That warned us and we wanted to know whether Government had simply accepted the Resolution to throw it into the waste paper basket or whether they really meant to work it. I asked a question on the 16th September of the Finance Secretary about the specific loan which was falling due in December, 1933, whether it was intended to pay by taking an additional loan or whether it was to be paid out of treasury balances. The reply I got was that they hoped to pay it from treasury balances. In spite of that the Secretary of State for India took a loan in November, 1933, at a time when we had not only ample resources but even more resources than were necessary. The balance with the Secretary of State on 1st September was £13 millions; on the 1st October it was £17 millions and on the 1st November £14 millions, and still we went to the market and took a loan. Though it was only at 3½ per cent. it was unnecessary.

Now, Sir, I have so far dealt with the question of productive and unproductive debts. There are other obligations of the Government which also come into the discussion and for which we want an inquiry made. Then the third item, which is the biggest item in our bill, is the amount of privately-owned

foreign capital in India. This has been estimated, by very competent authorities, at between £800 and £1,000 millions. I am giving the official figures. This huge amount of invested capital requires from us an export of Rs. 50 crores for which we do not get visible returns. No inquiry into this question has so far been made. There was no doubt an External Capital Committee, but its terms of reference were limited. The question was "as to the flow of capital into India from external sources". They went into the question and gave their recommendations as to what restriction should be placed on new capital coming in, and as to what kinds of investment there need be no restriction. But how are we to pay back all this money is a question which calls for a searching inquiry, especially in view of the fact that our trade balances, in merchandise, which used to be enormous, are now being reduced and in one year it had almost disappeared, being only Rs. 32 lakhs. We have now recovered slightly, but it is not sufficient. The relevant things in regard to trade balances are three. The first commitments each year is Government expenses in England and that comes to Rs. 34 or Rs. 36 crores a year. Then comes the interest charges on all this huge private capital to which I have referred which has been estimated to require Rs. 50 crores for interest payment. Then the third charge which I may call commercial charges are shipping, insurance, and other charges. Now, it is estimated that a balance of Rs. 100 crores is required to balance the account. The drain to which I referred, the interest on foreign capital, has multiplied and it is borne out by trade figures. For 10 years ending 1914 the visible balance of accounts was Rs. 5·24 crores, for the 11 years ending 1929 it has gone up to Rs. 19·11 crores and for the five years ending 31st March, 1934 we find that it has gone up to the enormous figure of Rs. 33·92 crores—*an increase of 550 per cent. on the 1914 figures.* That shows that the amount of foreign capital which was invested in India is rising as well as the interest which was accruing is being re-invested in India, with the result that this burden is increasing to an unbearable extent.

Now, Sir, what I have asked the Government to do is not that they should accept all my allegations or that they should carry out all my suggestions. In order to justify my demand for an enquiry, I have brought forward these things. My demand is that the Government should appoint a committee which should go into details and come to conclusions and suggest to the Government ways and means of reducing all these burdens. We do not regard ourselves as competent to give expert advice; but at least when we make out a *prima facie* case that there is something to be looked into, I expect Government, if it is reasonable and willing to do the right thing, to appoint a committee of experts. I put in a word about the Members of this Council but if the Government has any conscientious objections to the association of this House on the committee, I do not mind; they can take it out. So long as there is some authority to examine the matter, which is not subject to any legislative control, it would satisfy us. Not being under the Legislature, we cannot have the authority over them which other Parliaments have, but we can demand from them, if they are above board, to bring the matter up before a committee and show that everything is all right.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Officials or foreign experts?

THE HONOURABLE MR. HOSSAIN IMAM: Any one, so long as he is an expert, and the explanation of expert as given by His Excellency the Commander-in-Chief, would satisfy us. Now, Sir, I wish to suggest ways of reducing the burden——

THE HONOURABLE THE PRESIDENT: I am afraid your time is up now and you will please bring your remarks to a close.

THE HONOURABLE MR. HOSSAIN IMAM: In three minutes, Sir.

In France they have earmarked some resources available for the purpose of debt reduction and handed it to *casse-d amortizement*. I also wish that we should do the same thing The profits from the Reserve Bank should be earmarked for this purpose. Then there are other methods whereby we can reduce the burden—for instance, by purchase of gold in India, expansion of currency, pay of future entrants in rupees in place of sterling, cancellation of all these three notifications of the Finance Department exempting from income-tax certain incomes, stoppage of new foreign investment in India, and further reduction in the army expenses by negotiation with the British Government. We cannot ask them to do anything by forcing them, but we can do something by asking. The third way in which we can help in the matter is by a generous treatment by England in regard to the £16 millions. That, Sir, is a debt which is to all intents and purposes non-effective. For four years we have not paid any interest. It is only adorning our financial papers and it is no good either to India or to England. These are the reasons why I have asked Government to appoint a committee to inquire into these things. We are thankful to the Honourable Finance Member for being present here; it is a matter of pleasure to us to see him here for the first time. (Applause.)

Sir, I move.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I welcome this Resolution as it gives us an opportunity of discussing our debt position and our national debt, the credit of India in the world's money market and the ways and means of debt redemption. Thanks to the consistent policy followed by the Finance Members in recent years, the credit of India is very high in the markets of the world. In adopting ways and means of devising debt redemption and changing our debt policy with reference to the raising of future loans care should be taken that the credit of India which has been built up with great trouble should not be lessened in any way. According to the Convention reached in 1924 a basic figure is set apart for debt redemption every year and I believe it is Rs. 4 crores. In addition to this the income from currency and mints have been added and we have also had some relief in the way of receipt under the Lasanne Agreement. But of late we have not been receiving our share under the Lasanne Agreement but we must bear in mind that during the 12 years preceding 1933, a sum of about Rs. 62,40 lakhs has gone to the sinking fund for debt redemption. We now find that during the current year, the basic figure has been reduced to Rs. 3 crores. We must appeal to the Finance Department not to make raids on the amortization fund for current financial needs.

There is one aspect of Indian finance which is very obvious. In

the case of nation-building expenditure, in all cases where the expenditure is of a non-revenue-producing kind it is always met from current revenues. And in the case of our productive debts, before incurring any loans for expenditure, Government has seen that the interest which is likely to accrue from this productive expenditure brings in enough revenue to pay the interest on loans. Two-thirds of these productive loans are loans which are taken for non-specific purposes are for railways and these have been utilised for the railways and we need not be anxious on account of these productive loans. About non-productive loans, it is not very much and it is within reasonable bounds and there is no reason for anxiety. In this connection, I would remind the House that we need not be in a hurry to pay off these unproductive loans. This is hardly the time for it and what would be the result of being in a hurry to pay these non-productive loans? The result will be that we will have to increase taxation to a very much higher figure and as all Honourable Members are aware taxation is already very high indeed and has almost reached the breaking point. Any increase in taxation hampers the development of industry in the country and for the purpose of paying these non-productive loans we may wait to see our industries built up so that in a future era of prosperity people can stand heavier taxation with a view to pay off these unproductive loans. I want the Government to have in view the interests of the present taxpayer which are in conflict with the interests of future generations. If we are taxed unduly for the purpose of paying unproductive loans we shall be unduly straining ourselves and retarding the progress of industrial enterprise with a view to benefitting future generations. After all, the benefit will not be very much even to future generations if we arrest industrial development. One thing, I would remind the Finance Department and especially the Honourable Finance Member, has to be kept in view. I have been repeatedly appealing to the Honorable Finance Member for the last few years that it should be the policy of the Government of India to avoid raising foreign loans as much as possible. I am fully aware that owing to foreign commitments and especially on account of meeting the home charges—and I see no prospect of reducing the home charges—the Government has to raise sterling loans, but all the same I would impress upon the Finance Departmnet the necessity of avoiding as much as possible raising sterling loans. The Honourable mover of the Resolution has given cogent reasons and it is not necessary for me to deal with these questions at length as regards the necessity for avoiding foreign loans. The repercussions of these foreign commitments are quite obvious and the Government of India cannot have an independent financial policy if the foreign commitments are unduly increased. In dealing with a Resolution to suggest ways and means for debt redemption, we are faced with one practical difficulty, and it is this. Most of the loans are dated loans and will take some years to mature. We cannot at the present stage anticipate the conditions which may prevail at the time when these loans are likely to mature. But the reasons given by the Honourable mover for the criticism which has been directed to the loans which have been floated in the past are very cogent and I hope the Government of India will bear it in mind in raising future loans and in adopting a policy in the matter of further loans. In this connection I may allude to one important thing which has been agitating the minds of the public. Honourable Members are all aware that under the Congress dispensation a committee was appointed to inquire into the binding nature

[Mr. P. C. D. Chari.]

of the loans contracted by the Government of India. Well, they have issued a report after a careful study and the reasons adduced by them appeal to me very much and have caught the popular fancy, but I should like to give a word of caution with reference to the proposals which have been recommended by the committee. It amounts to a repudiation of debts and I would not be a party to any proposals for the repudiation of debts. After all, is it a practical proposition? Is it a thing which we can agitate for in practical politics ? I think it is likely to do more harm than good and is not likely to be of any benefit to the people of India. It is a very attractive proposition, no doubt, and people do not want to pay their debts if they can possibly avoid doing so. Whatever may be the origin of these debts, they have been contracted by Governments which were legally entitled to contract them and they are binding on India and we shall be merely ruining our financial credit in the money markets of the world by giving any support to the suggestions made in that committee's report.

Sir, I welcome this Resolution. As the Honourable the mover of the Resolution has put it he has made a case for inquiry and it is necessary that the Finance Member who is practically an autocrat in the matter of debt policy should have, if not a direct control or check, at least a committee of experts to advice him as to policy. I hope the Government will accept a Resolution of this kind which merely asks for a committee to inquire and report on the national debt, the burden of foreign obligations and ways and means of reducing debt and I think the inclusion of some amateur financiers who may be found in this Council will be helpful. They will be in a position to influence to a large extent what I would call the extravagance or the over-conservatism of the Finance Member in following routine lines of policy and in having too much regard for a cut and dried financial policy. And they may also be in a position to put the popular view point before the Finance Member who is otherwise in an autocratic position in the matter of raising loans, etc.

With these words, Sir, I support the Resolution.

THE HONOURABLE SIR JAMES GRIGG (Finance Member): Sir, I am very glad indeed to have this opportunity of addressing this Honourable House. If I do so keeping one eye on the clock, I hope Honourable Members will forgive me but the truth is I have duties to perform in another place and time presses and if therefore in the end I leave this debate to be finished by others, I hope it will be regarded as no deliberate incivility.

Sir, I agree in one thing at any rate with the Honourable the mover of this Resolution. I agree that it relates to very important matters, matters which assume even greater importance with the imminence of the reforms. His actual proposal is to set up a committee and the functions which the committee is designed to fulfil fall into three separate heads. I suggest that it will be useful to look at them under those three heads. The first function of the committee is to enquire into and report on the national debt. Now, Sir, the facts about the debt of India are well known. The Honourable mover of the Resolution will forgive me if I do not go into them in such detail, and in such, if I may say so, remote detail as he did. Naturally, with the complete financial history of India for the last 20 or 30 or 40 years I am not yet so familiar as he is. The

total debt of India on the 31st March 1923, amounted to Rs. 882 crores. Of these, Rs. 633 crores were covered by interest-yielding assets. Cash balances and treasury balances generally represented Rs. 45 crores. These two together add to Rs. 678 crores leaving a balance not covered by assets of Rs. 204 crores. Let us look at the corresponding figures on the 31st March, 1934. The total debt was then Rs. 1,212 crores. The amount covered by interest-yielding assets is Rs. 977½ crores ; cash balances and treasury balances, Rs. 27 crores. Incidentally, the Honourable the mover of the Resolution gave some figures very different from that as the treasury balance. I do not know where he got those figures from. But in fact, treasury balances on the 31st March, 1934 were Rs. 27 crores. That is not very different from the normal figure of Rs. 24 crores which he advocates.

THE HONOURABLE MR. HOSSAIN IMAM: Does that include sterling balances ?

THE HONOURABLE SIR JAMES GRIGG: Complete treasury balances. This leaves the debt not covered by productive or interest-yielding assets at Rs. 208 crores. Sir, the position then is this, that in 11 years there has been an increase in the debt by Rs. 330 crores. But the increase in the unproductive debt, if I may use that term to save repeating " not covered by interest-yielding assets " every time, is Rs. 4 crores. Incidentally, of the Rs. 208 crores of unproductive debt, Rs. 22·3 crores is represented by the outstanding balance of India's contribution to the cost of the war, and, as the House knows perfectly well, no interest is being paid on that balance at the present time. I should like to mention one very important point, which indeed was touched on by the Honourable Member, though in rather a different connection, namely, that very nearly two-thirds of the total debt is railway capital. From that single fact we can judge how important to the future credit position of India is a prosperous and solvent railway system. One of our present difficulties in India is that for some years past the Railway have not been paying their way, they have not been paying interest lately, much less providing for a sinking fund. Therefore, it is a matter of particular satisfaction to me, and I have no doubt to Honourable Members as well, that the recent traffic returns of the railways have shown a very much improved position. I do think this improved position betokens a quite definite improvement in the economic position of India. It does not necessarily immediately mean a corresponding improvement in the financial position of India, because it does not by any means imply that the railways will be immediately paying a contribution to the general revenues of India. If and when the railway revenues are fully recovered, I am inclined to agree with the Honourable the mover of the Resolution that a separate sinking fund for the railways is a question which will require consideration. There is a great deal to be said in its favour. I daresay there are arguments against it also. But certainly it is a question which merits consideration. But of course that is only one aspect of the question, as I said in the beginning of my remarks on the railway position. I am content to leave it at this : that as far as I can make out, the most important single element in the credit position of India is the Railway budget and the ability of the Railway budget to meet all outstanding charges and to provide a surplus for amortization.

[Sir James Grigg.]

All these facts which I have cited are definitely well known and no committee is going to make them any clearer.

I will now pass on to the second part of the Resolution, namely, "the burden of foreign obligations and the ways and means of reducing them". There too, the House will, I hope, bear with me while I recite a few facts. On the 31st March, 1923, the sterling debt was £304 million. On the 31st March, 1934, it was £384 million. That looks rather a terrifying increase—£80 million. But against that, we have got to set off the fact that during the period more than £100 million of railway capital expenditure has been incurred in England, so that, so far as unproductive debt is concerned, there has been at the end of 11 years an appreciable repatriation. Let me say at once that this is the policy of the Government of India, namely, to repatriate sterling debt whenever it is possible to do so. But repatriation of sterling debt cannot be carried out by a mere wave of the hand. There are two sets of transactions involved. First of all, you have got to raise rupee loans in India at lower rates of interest than those paid on the sterling loans which you wish to pay off. This presupposes a high credit in India, which means a sound budgetary position predominantly and also, in my view, there should be an obligation on the Government of India to see that the capital enterprises they undertake are remunerative, at any rate in the broad sense of the word, and that they should not embark on capital schemes purely for the sake of spending money, as has been advocated by some western economic experts. The second process in the repatriation of sterling loans is of course the translation into sterling of the rupees raised in India. This can only be done if the exchange is strong and available in good quantity. This again involves two things. First of all, there should be complete confidence in the credit and currency policy of the Government of India, not only in India but also abroad, in London particularly. It also means that India's balance of trade in the broadest sense—not in its narrow sense—should be favourable. In the modern world—if I may venture on a remark which may be regarded as controversial; I do not propose to labour it—in the modern world, a favourable balance of trade is too often sought to be produced by restricting imports to the maximum possible extent. In my view, a much healthier way of creating a favourable balance of trade is to stimulate exports, and this is of particular importance to India whose main products are agricultural. Perhaps this is a convenient point for me to turn aside for one second and refer to the remarks of the Honourable the mover about privately-owned foreign capital in India. It seems to me that there is a good deal of misconception about this. I think on that the best single thing I can say about it is to refer to the remarks of the foreign experts appointed to assist the Central Banking Inquiry. As far as I remember, none of them came from the United Kingdom, at any rate not more than one and whether there was one I am not quite sure. Most of them were foreign or dominion experts. These foreign experts who cannot be presumed to have any predilection towards London said quite definitely and categorically that for a good many years to come India would need all the foreign capital it could get, and that it would be very well advised to make use of it. And personally I cannot see why foreign capital should not be used to develop the resources of the country,

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so long as it is quite clear that the foreign capital gets not an excessive but a fair return and that the financial and economic condition of India is bettered thereby. I do not believe it is any good cutting off your nose to spite your face. Well, there again on the subject of India's external debt the facts and the procedure for dealing with it are perfectly well known and I do not think that a committee will add appreciably, if at all, to our knowledge on the matter.

Now, the third and possibly the most important part of the Resolution is that the committee should suggest improvements and modifications in the present method of raising loans in India and abroad. And here, if I may be forgiven for making an extremely elementary remark, may I say that the most important factor in raising loans is the credit of the borrower and that no improvements of machinery will enable a country whose financial position is unsound to borrow at a low rate of interest. That is the first and most vital consideration in the whole matter, platitudinous as it is. Luckily the credit of the Government of India now stands extremely high, both in India and in England. The last issue in India was 3½ per cent. at a price calculated to yield a shade over 3½ per cent. That now stands at above par. So that in India India's credit is on a basis slightly lower than 3½ per cent. In London the 3½ per cent. 1954-59 loan was issued at 97½ and now stands at 101. So again in London too the credit of India is on a basis slightly lower than 3½ per cent. I am bound to say that does not look to me as though there is much room for improvement in India's machinery for raising loans. Whatever may have happened in the remote past—and the Honourable Member made a great attack on the past policy of the Government of India in the matter of raising sterling loans—I think it is true to say that in recent years if you take into account the period of the loan and the redemption yield—I mean it is no use comparing a short term loan in India with a long term loan in England—if you take into account comparable issues, I think it is true to say that in recent years sterling loans have been raised on slightly better terms than the rupee loans in India. But in any case, if I may repeat my somewhat obvious remark, the rates in London depend on India's credit in London and it is no good forgetting that, if you want to borrow sterling at a low rate, it is absolutely vital that the credit of India in London should be preserved.

THE HONOURABLE MR. HOSSAIN IMAM: How should it be preserved?

THE HONOURABLE SIR JAMES GRIGG: I am only called upon to answer what is in my own particular sphere, by maintaining a sound financial policy and by that and other methods creating a condition of confidence in London. The Honourable Member wants a committee to assist the Government to improve its methods of raising loans. As a matter of fact in every solvent country in the world the question of raising loans is pre-eminently one for the executive Government in consultation of course with the Central Bank of the country concerned. Hitherto of course the functions of a Central Bank in India have been carried out by the Imperial Bank of India, and the Government of India have certainly enjoyed the whole-hearted co-operation of the authorities of that Bank, and I am glad to be able here today to pay a tribute to them on that account. In the near future we hope to have a Central Bank in the fullest sense of the word, and I have no doubt that even closer co-operation between the Government and the Central Bank should be possible and that we shall

[Sir James Grigg.]

very soon after the institution of the Reserve Bank arrive at a position comparable to that which exists between the British Treasury and the Bank of England. Here, if I may digress a moment and refer to the Honourable Member's proposal to set up a National Debt Commission. I think he is under some misconception as to what functions the National Debt Commissioners in England fulfil. I do not know whether he is prepared to take it from me, but I can assure him that the National Debt Commissioners carry out very nearly purely routine functions under the instructions of the Treasury and the Bank of England. The management of the public debt of Great Britain is entrusted to the Treasury in co-operation with the Bank of England. And that position is one which must prevail, that the people responsible, the department responsible for the financial policy generally must also be responsible for managing the public debt. So he would not get any forwarder if he set up a National Debt Commission on the English plan. It would merely be an extra wheel performing purely routine functions on the instructions of the Government. The machinery, as I have just said before I made that slight digression, for raising loans in India must be the Government of India, which means the Finance Department of the Government of India in the strictest co-operation and consulta[illegible] are with the Reserve Bank. As regards sterling loans, of course our pri[illegible]vake that they should is the Bank of England and that must necessarily be so. The [illegible] money, as has know more about the London market and have more experien[illegible]d process in the ling loans than anybody else. And if you reflect, if you want sterling of the favour of their competence, you have only to look at the way it is strong and version of the 5 per cent. war loan on to a 3½ per cent. basis was [illegible] of all, there London and the ease and certainty and complete success with which [illegible]icy of the carried out. Of course that was an operation of the British Gover[illegible]particularly. Honourable Members may suggest—I hope they wont—that the B[illegible] sense—not land give better and more profitable advice to the Government of [illegible]orld—if I Kingdom than it gives to the Government of India. I think if you [illegible]l; I do information about sterling issues which has recently been given[illegible]lance of Honourable Member in reply to a question in this House I think you mi[illegible] to the from that series of operations—particularly in recent years—the assuating [illegible] that the skill and knowledge of the Bank of England are as freely ava[illegible]cula to the Government of India as they are to the Government of the United [illegible]s is dom.

No, Sir, I think our course is quite clear. I do not think any [illegible]s. I thi[illegible] will make it a bit clearer. We must certainly in the first place press [illegible]arks o[illegible] the establishment of a Reserve Bank. We must see that there is the fulle[illegible] co-operation between it and the Government of India, and also between it and the Bank of England. I do not mean to say that there should be any position of subserviency, but I mean the fullest co-operation between the Reserve Bank and the Bank of England. Honourable Members will remember that one of the most important resolutions passed by the Gene[illegible]a conference in 1922—a resolution the neglect of which is very largely respon[illegible]the troubles of the last 10 years in Western Europe and elsewhere in the world—was that there should be continuous co-operation between Central Banks. I believe that is a vital necessity of the future if the disasters of the past are not to be repeated.

Then we must seize every opportunity of converting our internal loans to a lower rate of interest. We must take every chance of repatriating our sterling loans on favourable terms. In recent years I think India has been astoundingly successful in these two processes and I think sufficient evidence of that success is that our interest charges fell from Rs. 13·87 crores in 1922-23 to Rs. 9·66 crores in 1933-34, and that I think is sufficient evidence of our success. Those two figures are sufficient refutation of the general burden of the Honourable Member's song that the public debt of India has been certainly mismanaged. In 11 years a reduction of something like 35 per cent. in the net interest charges on the Indian public debt is no small achievement. Of course this process of reducing your interest charges and converting your debt to a lower rate of interest and repatriating your sterling loan is a process which cannot be rushed. It is a process which demands constant vigilance and the most disinterested information that the Government of India can obtain. But more than that, Sir, it is a process which demands on our part a strict adherence to sound finance and an absence of what the Chancellor of the Exchequer referred to as the imaginative finance advocated by Mr. Keynes and those of his school. I got the impression that the Honourable mover referred with a large measure of approval to the example of France. Honestly I do not think the present condition of the finances in France ought to provide an example for India to copy. I certainly prefer to think of the example of Great Britain as much more appropriate for us to copy ; and if we follow the example of Great Britain, in due course we may be in the position of Great Britain and look to a relief of burdens.

[illegible] Sir, the House will have gathered that the Government are unable to accept [illegible] Resolution. (Applause.)

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provin[illegible] Southern : Non-Muhammadan) : Sir, I am not a financier and I cannot follow [illegible]e Honourable Mr. Hossain Imam or the Honourable Sir James Grigg in the [illegible]nancial and technical details. Sir, as a matter of fact I do not understand these—I will not shock the House by using that word..... There are however just one or two aspects of the problem raised by this Resolution that I should like to stress before the House in a non-technical manner. I have been interested in the constitutional question and what I find is that one of the arguments which is being employed for financial safeguards is that the British investor has invested large sums in this country and that a large part of the debt of this count[illegible] is sterling debt.

THE HONOURABLE THE PRESIDENT : Your statement is not correct.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : I know that the major part of the debt is Indian rupee debt, I did not mean by the words " large part " that a larger part was in sterling.

THE HONOURABLE THE PRESIDENT : The Honourable the Finance Member has said that the sterling loan in aggregate was £300 millions.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Then in the discussion on these financial safeguards, great importance was attached to the

[Pandit Prakash Narain Sapru.]

sterling obligations of India and it was stressed that if complete financial responsibility was transferred the credit of India would suffer in the British money market, that the British investor was nervous as to what would happen if complete financial responsibility was transferred. Now, Sir, I know that the internal rupee debt is nearly 1½ times the sterling debt and that this is an argument which was employed by the Indian delegates in their memoranda against this apprehension that there would be any breakdown of the financial administration if complete financial responsibility is transferred. The point therefore that I wish to emphasise is that it is necessary, in order that we might be in a position to assume complete financial responsibility, to reduce the burden of the sterling debt—the burden of these foreign obligations. It is therefore from this constitutional point of view, from the point of view of the Indian who desires complete control over the affairs of his country that I would ask the House to approach this question; and as has been admirably pointed out in the Joint Memorandum of the British Indian Delegation the policy of the Government of India should be to reduce the sterling debt as far as possible and as early as possible.

Then, Sir, I will go on to the next question of financial obligations. Here again this question has an intimate connection with the constitutional issue in this country. One of the reasons for these financial safeguards is that Britain is interested in the financial condition of this country. She is going to control the army, large remittances have to be sent to England and there are pensions, gratuities and what are called home charges, which have to be met by the Indian exchequer. Now, Sir, I am not going into the past. We are not interested in the past. We have criticised your policies in the past in regard to various matters. There is the Congress Report in regard to the past. The Congress Report has said nothing which moderate Indian leaders like Dadabhai Naoroji, Gokhale and Romesh Chandra Dutt have not said on various occasions in the past. But the point is, what are you going to do in r gard to the present and the future? Are you going to allow this process of mortgaging to go on or are you going to stop it? How can we reduce the burden of foreign obligations? One obvious course is to push on with the policy of Indianization. I include the Indian Army also. One other course is to reduce the British troops in this country—not necessarily eliminate them immediately, but go on gradually reducing them. It was recognised in the first Round Table Conference that Indian thought attaches great importance to the question of reduction of British troops. Reference may be made to the resolution of the Defence Sub-Committee of the first Round Table Conference. These are some of the methods in which the foreign obligations of India can be reduced and if these foreign obligations are reduced the *raison d'etre* for these financial safeguards will disappear and we are interested in the disappearance of these financial safeguards. Sir, as a matter of fact, the position under the White Paper scheme, that the Finance Minister will occupy is not very enviable. He will not be able to control the loan operations of the Government of India; he will be subject to the control of the Governor General in regard to the loan operations of the Government of India. He w ll not be able to control the currency and exchange operations of the Government of India.

He will have a financial adviser to advise him and the Governor General will also have the same financial adviser to advise him. Well, Sir, it will not be a very enviable position for him. He will be merely a tax-gatherer for the several departments of the administration. Therefore, Sir, we are very much interested in seeing that genuine and not spurious financial responsibility is transferred and you will not transfer this genuine financial responsibility until you reduce the burden of these foreign obligations. It is from this point of view that I should like the House to consider this question. And this is an aspect which I should like to stress. Sir, a great deal was said about foreign capital. I recognise the educative worth of foreign capital. There is no Indian who does not recognise it. But there is foreign capital and foreign capital. Here if you have British firms or if you give British firms the same facilities as you give to Indian firms, that is to say, if you do not discriminate at all, then the difficulty is that not merely the interest but all the profits go out of the country.

THE HONOURABLE THE PRESIDENT: I am afraid you are digressing from the terms of the Resolution.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I was just pointing out the ways in which this burden might be reduced. However, I will not go further into these details. I will merely content myself with saying that there is a case for inquiry and I would also before I wind up refer to the recommendation of the Joint Memorandum and say that this is what should be done in future:

> "Future Indian sterling loans should be raised on behalf of the Government of India by the High Commissioner or some other suitable agency. The Secretary of State in his evidence before the Committee recognises the justification for a change in the present procedure. The question has a political aspect since the necessity of securing the position of the British investor is one of the principal justifications for the financial safeguards. We realise any change in procedure might result in a higher rate for Indian loans but think this possibility must be faced by India at some time or other".

Sir, with these few words, I give my support to the Resolution.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the figures which have been given by the Honourable the Finance Member to substantiate the claim that the Finance Department have been carrying out their work properly are in my opinion not sufficient to establish their case. He intimated first of all, Sir, that the uncovered debt had increased only by Rs. 4 crores during the period of 11 years. But if he had cared to show what was the increase in the sterling obligations which had increased during these 11 years of uncovered debts, then the whole thing would have been exposed. We have no doubt increased our interest-bearing assets but they have been financed—at least the capital account of these departments—from rupee debts and rupee obligations. The one thing which has been of very great help to the Government of India was, not the funded debts, but these other obligations which come into the form of cash certificates, the saving banks, the balances of the provident fund accounts, and of these thousand and one other obligations. Then, Sir, he stressed the fact that the interest payment for uncovered assets that we have been making has been reduced from Rs. 13 crores to Rs. 9 crores between this period of 11 years which no doubt represents a reduction of Rs. 4 crores. But, Sir, here too the figure has not been mentioned of the sterling payments. I had throughout dealt with the sterling payments. And in addition to that the thing I had

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stressed in the beginning, that it is really the purchasing power of money and not merely the amount in token coins which makes up the burden of debt, was overlooked. If the debt is measured on that basis, Sir, it will be found that our present payment even at the reduced figure is 100 per cent. is more onerous than it was in the first instance because, after all, payment is made in goods and services, and so far as goods and services are concerned, they are at a reduced rate and therefore measured in that way you will find that the burden is greatly increased.

He asked me, Sir, where I got my figures of the huge treasury balances. My authority was the Report of the Controller of Currency for 1933-34, Statement No. 24, in which we find at the end that the figure Rs. 44·79 crores is mentioned instead of Rs. 27 crores that was quoted by the Finance Member. Sir, the Honourable the Finance Member was kind enough to suggest to us that our credit in England cannot be improved by improving the machinery. It is only the credit of the country which has any effect on the mentality of world markets. There I beg to differ. He was only speaking with reference to the rate of interest. As to that, I will give a concrete example of how India itself acted. I am referring, Sir, to the two loans which were floated by the Government of India within the period of a month and a half. One was at $5\frac{1}{2}$ per cent. due in 1938-40 and the other was at $4\frac{1}{2}$ per cent. They were issued within a month of each other but there was a difference of one per cent. in the rate of interest. That was simply done by moving the machinery. The first loan was floated not at a moment when securities had sufficiently improved. They were rather in a hurry. They were so much afraid of having paid $6\frac{1}{4}$ per cent. on the treasury bills that they thought they had better pay as much as they could, and perhaps when the time was past they would be in a worse position. It was uncalled for. The position was improving continuously, until we came to this position in the loan market to which the Honourable Member had referred. We could float a loan at slightly higher than $3\frac{1}{2}$ per cent. This, I believe, is the first time that we have been able to do this since the war.

Sir, as regards the functions of the National Debt Commissioners, I beg to differ from the Honourable the Finance Member. They are the custodians of the money that comes from the post offices and of the money that comes from other sources as, for instance, the G. S. R., besides the sinking fund. The Treasury has absolutely no control over their manipulations. Then he said that the Bank of England which succeeded in converting the huge £2,000 million 5 per cent. war loan is available to us, and if England could do this, why should we not do it ? As my Honourable friend Mr. Sapru has read from the Memorandum, we prefer to consult our own authorities, although it may mean a little loss because we cannot always rely on others to carry our burden. One day we will have to shoulder our burden. We wish to get into training and do not wish to be treated as children.

I now come to the basic question whether the Government of India's action so far has been so good that there is no room for improvement. With a Legislature which has no control, the executive has a free hand. In a responsible country this will not happen. The Colwyn Committee was formed, if

I may be excused from again referring to the terms of reference of this Committee, not only to find out the effect of the national debt on taxation but also to examine the *modus operandi*, and it has made any number of suggestions on the method of the Treasury itself. I will refer to paragraphs 999, etc., in which they have referred to debt redemption and taxation. They have there criticised the methods which the British Treasury have adopted of attaching a special sinking fund to special loans. They criticise the policy whereby loans have been floated at a small rate of interest and at a great discount, at 60, 55 or 70. This policy of the British Government has been very severely criticised by this Colwyn Committee. Do we understand, Sir, that the executive of India think that the British financier is ignorant ; that there is need of a committee to sit in judgment on the action of the British Treasury but that there is no need for any one to sit in judgment on the actions of the British officials in India ? If that is their attitude, I have nothing further to add to convince them.

Sir, the Honourable Mr. Chari remarked that our sterling debts and rupee debts were mostly covered by interest-paying assets. I find that railways are in a hurry to invest money which the Honourable the Finance Member rightly condemned just now. They have invested money in items which are anything but paying. I refer to three glaring examples of how money has been invested without adequate care. One is the Sukkur Barrage. Every one knows that to the Rs. 20 crores spent, we have already added Rs. 6 crores as interest charges and the scheme is not yet ready. Then there has been all the expenditure on new railways which was the subject of discussion only last evening in the other place. Then come the loans given to States. Some of them have almost been forced on the States in order to facilitate works which are giving no return.

THE HONOURABLE THE PRESIDENT : Whose fault is that ? The States' or the Government's ?

THE HONOURABLE MR. HOSSAIN IMAM : Government advances money, compelling them to take money. I know that one State has been practically forced to take money in spite of their unwillingness. Enormous sums of money have been given in this way.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : What for ?

THE HONOURABLE MR. HOSSAIN IMAM : To undertake engineering works that do not pay. Works which are estimated to give more water and which they do not give. Any amount of mismanagement is going on.

THE HONOURABLE MR. P. C. D. CHARI : To relieve British unemployment ?

THE HONOURABLE MR. HOSSAIN IMAM : That is one of the reasons. We see the same thing in the case of the Hardinge Bridge. The Honourable Member said that we need not worry about the uncovered portion of the debt which amounted to only Rs. 208 crores. We can measure the burden not by the amount outstanding but by the amount which is left over after expenditure. If a man gets an income of Rs. 100 and spends only Rs. 50, he is a

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gainer by Rs. 50 : but a man who has got an income of a lakh and spends Rs. 1¼ lakhs, is poorer by a quarter lakh.

THE HONOURABLE THE PRESIDENT : The Honourable Member has only a minute to finish his peech.

THE HONOURABLE MR. HOSSAIN IMAM : The non-acceptance of my Resolution was only to be expected, *because from an irresponsible executive one cannot expect anything else.* But I am very much afraid that the Government are not so well-managed and *bona fide* as not to need a committee of enquiry.

Sir, I press my Resolution.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary) : Sir, I should like to make just one or two short observations ; I do not propose to recapitulate what the Honourable Sir James Grigg has said. I only rise to deal with a few points raised by the Honourable Mr. Sapru and one or two points mentioned by the last speaker, the Honourable Mr. Hossain Imam. We have no quarrel with the Honourable Mr. Sapru with regard to the necessity of reducing, as opportunity arises for doing so, our external borrowings when we can replace then by cheap rupee loans ; nor do I disagree with his argument that one of the methods to accelerate that process would be to reduce our foreign obligations. But as he is well aware, that process has been for several years steadily pursued. He referred to a passage in a document—I do not know exactly from which document——

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : The Joint Memorandum of the Indian Delegates to the Joint Select Committee.

THE HONOURABLE SIR ALAN PARSONS——in which I understand it to be recommended that our loan transactions in England should be conducted through the High Commissioner. There is nothing in the Honourable Sir James Grigg's remarks to derogate from that recommendation. All it means is this, that whereas at present the negotiations for the flotation or conversion of loans are conducted between the Secretary of State and the Bank of England, in future the High Commissioner should replace the Secretary of State. That is all I have to say with regard to the Honourable Mr. Sapru's remarks.

There are two points which were mentioned by the Honourable Mr. Hossain Imam. First, with regard to the establishment of National Debt Commissioners. I took an opportunity of speaking to the Honourable the Finance Member about that and he told me that whatever might be their technical functions with regard to investing monies which come into their hands, I understand in effect that is done entirely under the orders of the British Treasury. Finally, the Honourable Member suggested as a reason for a committee to enquire into our machinery that fairly recently we issued two loans at a short interval, actually the rate of interest on the second loan was considerably lower than on the first loan. I have forgotten what the exact year was, but may I inform him that the machinery we employed on both those occasions was exactly the same, and to put that forward as an argument that a committee to inquire into that machinery should be appointed seems to me slightly far fetched.

Sir, I oppose the Resolution.

THE HONOURABLE THE PRESIDENT : Resolution moved :

"That this Council recommends to the Governor General in Council to form a Committee of experts and Members of this House to enquire into and report on the National Debt, the burden of foreign obligations, and the ways and means of reducing them and to suggest improvements and modifications in the present method of raising loans in India and abroad."

The Question is :

"That that Resolution be adopted."

The Motion was negatived.

RESOLUTION *RE* LEVY OF CUSTOMS DUTIES ON ALL FOREIGN GOODS ENTERING INDIA FROM LAND FRONTIERS.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to lay before the House the following Resolution :

"This Council recommends to the Governor General in Council to impose the same customs duties on all foreign goods entering British India from land frontiers, as is levied at the British Indian ports."

First of all, Sir, I should like to acknowledge my indebtedness to the Finance Department of the Government of India for having given me the idea of bringing forward this Resolution. When I was looking into the Reports of the Round Table Conference, I came across a Memorandum in which the Finance Department gave their version of the facts on federal finance. They took up a very strong stand on this question, and specifically mentioned that it would be somewhat unjust to expect British India to carry all the burden while the States should be the gainers and pay nothing towards federal costs. Sir, on page 501, paragraph 31 of the "Memorandum on Federal Finance by the Finance Department of the Government of India" it is said as follows :

"On the other hand there are numerous instances in which the States would not, unless existing arrangements are altered, be making their contribution to federal revenues. This fact arises out of the favourable position occupied by the *maritime States and Kashmir* in regard to customs duty".

On page 503 the Finance Department says :

"While existing treaties cannot be ignored, it would of course be illogical to allow *the maritime States* to enter the Federation and still retain both (*a*) the duty on internal consumption, and (*b*) a share of the customs duty on goods passing through British India".

These remarks were mainly responsible for my bringing forward this Resolution.

Sir, if we go deeply into the history of these Indian States we find that, as the Davidson Committee had exhaustively dealt with this question, the States can be classified into dozens of compartments. Of these the maritime States in Kathiawar, with which the Finance Department has dealt, come into a class by themselves. There is a class of States embracing those which had no previous sovereignty until it was conferred by the Government of India, Kashmir is one of these. The other States with which we have to deal were under the suzerainty of the Peshwas and Baroda——

THE HONOURABLE THE PRESIDENT : We need not go into the history of those States for the purpose of our Resolution.

THE HONOURABLE MR. HOSSAIN IMAM: I would especially draw attention to the fact that in the Davidson Committee Report they have made a distinction between those States which came into treaty relations with the East India Company on an equal basis and held suzerainty from before, and those States which acquired suzerainty as a gift from the East India Company and came into existence afterwards.

THE HONOURABLE THE PRESIDENT: You are entitled to refer to that but please do not go into the history.

THE HONOURABLE MR. HOSSAIN IMAM: I will refer to the maritime States first. These States were not in a position to have any customs until 1860 as they were but vassals. The States were given power to impose customs duty by a treaty, dated 23rd October, 1860, under Resolution No. 836 of the Bombay Government. This treaty gave one of the States in Kathiawar power to impose customs duty, at the same rates as in the British Indian ports, and in exchange therefor they were given the privileges of a British port and the same status. But the Government of India retained for itself two-fifths share in the customs income. In 1865 this treaty was revised, and in exchange for two amounts of money, one of Rs. 6,890-2-2 and the other of about Rs. 2,000 odd, which the British Government had to pay to the State concerned, the two-fifths share of the customs income was given up. The reason was very plain. Then we did not have the heavy customs duties which we are having nowadays. As a matter of fact between the years 1865 and 1895 to all intents and purposes we had no tariffs at all. We believed fully in the theory of free trade, with the result that what was thought at that moment to be quite fair has now become not an exchange but a robbery. That particular State has collected Rs. 51 lakhs each year on the average as customs duty, out of which British India do not receive a single pie. Now the basic principle of the constitution is that taxation must be imposed by the authority of the people and its proceeds should be utilised for the benefit of the people concerned. Here by giving a privileged position to the State concerned, we are doing an injustice to British Indians, because on that amount of goods which come in from that State into British Indian territories the consumers have to pay the price *plus* the duty. That duty is not utilised by the Government of India; that money ought to have been spent not for the advantage of the people living in States, but for British India proper. The question may arise what are the rights of the British Indian people in the matter of this customs duty? We, Sir, in British India have been functioning as a central authority, and the function of the central authority is to safeguard the State from foreign aggressions; other obligations of the Central Government are being discharged by the Government of India, but *defence* is not for the benefit of British Indians alone but for the benefit of the whole of geographical India; and as such we are perfectly justified in keeping the proceeds of this indirect taxation and spending it on the defence of India. If we compare our defence budget and the customs income we find that they mostly balance themselves. Other receipts like income-tax have got nothing to do with States and the people there are free and we do not grudge them, because that part of the proceeds is utilised by the Government of India for the benefit of British Indians themselves. Now, Sir, this was the history

of the maritime State of Kathiawar. When the Viramgam Line was first imposed there was a great hue and cry and after some representations from those maritime States it was lifted. When we found that our financial conditions were not better, Government decided to re-impose the Viramgam Line in 1927. We find that we have been collecting a good deal of money in customs from the Viramgam Line. The figure which the Davidson Committee gave was that we were making from this imposition something like Rs. 123 lakhs, because we were taxing all the goods that were entering from certain States, notably Nawanagar; other States also pay a little out of their income, so that the additional income of Rs. 123 lakhs on the figures of the last year for which figures were submitted to that Committee was the net gain. They also considered the possibility of moving the Viramgam Line to a place on the borders of the maritime States themselves and if that procedure had been adopted we would have had a further saving of something like Rs. 30 lakhs. I am not concerned with that. My particular concern is that if this kind of treaty has been entered into we must try *and honour it only as far as possible,* but when one finds one is in great difficulties one has *no resource left but to denounce* it. The Government of India has already given us the lead by denouncing the Japansese Treaty. That is one of the things which we can do in the case of these States. If we cannot bring them to their senses and arrive at some satisfactory solution about these rights and privileges as far as customs income is concerned, then we have no resource left but to denounce the treaty and impose full customs duty on goods passing from all those States.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Then customs duty will be levied twice over. First the State levies it and then you want to charge another duty; it will be twice over.

THE HONOURABLE MR. HOSSAIN IMAM: That is why my Resolution says that the same customs duty as is levied in British ports should be levied. There is no doubt my wording is not very happy. All goods entering British India from land frontiers may mean land frontiers of internal States also. That would be impossible for the Customs Department to do. We all know that only a few months ago we were surprised to hear that silver was coming out to India from Persia, because there was some sort of agreement between the Government of India and Persia to import goods free of duty. What did the Government do? The Government at once issued a notification saying that import from that part of silver is prohibited. If they had not taken this step the silver market of Bombay would have been simply demoralised. Government has given a second lead and that is a step in the right direction. We are not condemning them for that, but we wish that they should carry the thing to its logical conclusion. The position of Kashmir is unique in many respects. The original treaty with Kashmir did not give them any rights or privileges which they now enjoy. In the original Treaty of 1845 the Maharaja of Kashmir was expressly asked to allow the trade between Chinese Turkestan and India to be duty-free. But in the Agreement of 1870 some concessions were given to the Kashmir Darbar.

THE HONOURABLE THE PRESIDENT: Your Resolution merely refers to Kathiawar ports.

THE HONOURABLE MR. HOSSAIN IMAM : It refers to all the land frontiers of India including the Punjab. I am not, however, going to labour the point. I will simply mention the conclusions of the Davidson Committee on this question. Under the Treaty of 1870 they had to refrain from taxing all merchandise passing through the State by the Central Asian trade route, so that there may be free trade between British India and Central Asia. And in exchange for that they were told that they would be allowed to import things in to Kashmir State free. Therefore the position of Kashmir is not so unjustifiable as that of one of the maritime States. But, Sir, what happened ? Formerly the Central Asian trade was of greater value and the trade passing from British India into Kashmir was of small value. The amount of customs duty which the Kashmir Darbar would have received from British India varied between Rs. 1 and Rs. 2 lakhs. As long as that continued, no one thought about it. Now the tables are turned altogether. Now the customs duty has risen as high as Rs. 29 lakhs and the fair average value of the States' customs' share at the present time could not be reckoned at less than Rs. 25 lakhs per annum. That shows that when our own finances are depleted, and we are hard put to find ways and means of meeting our own budget, if we allow such loop-holes for escape of customs income, we will be no where. I therefore appeal to the Government to take steps in order to bring the condition of our customs duties more in consonance with the ethics of the present day.

Sir, I move.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, I have listened with very great interest to the speech of the Honourable mover of this Resolution but when I tell him that the question of imposing the same customs duties on all foreign goods entering British India from land frontiers is now receiving the consideration of the Government of India he will understand that at this stage Government cannot accept the Resolution that he has just moved. If however he does not desire to press the Resolution today, I undertake to pass on to the various departments concerned the considerations which he has urged on the floor of the House today.

1 P.M.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member be in a position to make a statement during the next session on the action that Government propose to take ?

THE HONOURABLE MR. T. A. STEWART : I, Sir, can only speak for one department. There are more than one department concerned and I can make no categorical statement of the kind that the Honourable Member desires.

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

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.

RESOLUTION *RE* RE-ENACTMENT OF REPRESSIVE LEGISLATION AFTER THE EXPIRY OF ITS TIME-LIMIT.

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

" That this Council recommends to the Governor General in Council that having regard to the improvement in the political situation, and in particular to the decision of the Indian National Congress to suspend civil disobedience and to contest elections to legislatures, he may be pleased to make a declaration that the repressive legislation enacted with a view to meeting and putting down the civil disobedience movement will not be re-enacted after the expiry of its time-limit, provided that in the meanwhile civil disobedience is not revived ."

Sir, this Resolution is a simple one. It makes an appeal to Government to declare that such legislation as is placed on the Statute-book during the last few years with a view to meeting the civil disobedience movement will not be re-enacted after the expiry of its time limit, and it makes this appeal on the ground that the political situation has recently undergone such improvement as to justify such a declaration.

Let me briefly review the course of events during the past few years. In 1932 the Indian National Congress re-started the civil disobedience movement and in order to meet it His Excellency the Governor General issued a series of Ordinances. The Congress leaders and thousands of their followers whose numbers ran into five figures were arrested and imprisoned and the struggle between the Congress and the Government went on for some time. The Working Committee of the Congress and other Congress organizations were notified as illegal though the Congress itself was not so notified. Mass civil disobedience was rampant for some time, but it soon discovered it could not maintain its ground against the severe measures adopted by Government to put it down. In July, 1932 a consolidated Ordinance was promulgated embodying the provisions of the various Ordinances issued to stamp out the movement and in the Simla sessions of the Indian Legislature of the same year a Bill was passed embodying the main provisions of the consolidated Ordinance. This Act, called the Criminal Law Amendment Act, 1932, is limited in its operation to a period of three years and its life will expire in December, 1935.

The civil disobedience movement spent its force, and about this time last year, voices were heard from within the Congress camp itself asking for its suspension and for a change in the policy of the Congress. About a year ago, an informal conference of members of the Congress was held at Poona, and as a result of its deliberations to the surprise of all Mr. Gandhi announced that mass civil disobedience would be suspended and only individual civil disobedience should be practised. This was an admission of defeat but an honest admission which I believe was appreciated in his own ranks as well. This call for individual civil disobedience however met with little response and the civil disobedience movement, both mass and individual, virtually ceased to exist from that time.

With the practical cessation of the civil disobedience movement, the feeling for its formal suspension grew in Congress circles. In May last, some prominent Congress leaders met at Ranchi and resolved to form a party, described in the press as the Neo-Swarajist Party with a view to contesting elections to the Legislative Assembly. That party received the blessings of Mr. Gandhi who also promised his support in framing its programme and guiding

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its policy. He also issued a statement declaring that even individual civil disobedience was suspended and would be restricted only to himself.

THE HONOURABLE SAIYID RAZA ALI: What does that mean ?

THE HONOURABLE SIR PHIROZE SETHNA: You might ask Mr. Gandhi.

Soon after, the All-India Congress Committee met at Patna. It endorsed Mr. Gandhi's decision to suspend civil disobedience and to restrict it to himself. It scrapped the Neo-Swarajist Party, decided to contest elections to Legislatures in the name of the Congress itself and to set up what is called a Parliamentary Election Board for the purpose. That Board has now been set up and is very active at the moment making preparations for contesting the ensuing Assembly elections. This change in the Congress policy is not confined only to fighting elections to the Central Legislature as can be judged from the fact that the Congress put up a candidate at Satara at a bye-election to the Bombay Legislative Council. His candidature received the support of the President of the Congress Sardar Vallabhai Patel and this Congress candidate Mr. Soman scored a victory about a fortnight back over his rival securing 50 per cent. more votes than the latter. I think the voting was somewhere about 8,400 against about 5,600. This Parliamentary Election Board is evidently not having all its own way for there is a rift in the lute by reason of the fact that two prominent Congress leaders Pandit Malaviya and Mr. Aney have only recently seceded from the Congress proper because of difference of opinion in the matter of the Communal Award. Apart from this difference they have however given out that they and their candidates will work in the Councils in harmony with the Congress representatives, but the new party will be known by the name of the Congress Nationalist Party.

A considerable and satisfactory change has therefore come about in the political situation within the last few months. Let us try to realise its nature, its meaning, its significance. That it is a great and welcome improvement in the situation such as existed in 1932 and in 1933, is recognised by all. It means first that the civil disobedience movement has ceased, let us hope, for all time as a factor in our politics, and secondly, what is of greater importance that the value of Legislatures as instruments of national advancement is now realised and recognised more and more even by those Congressmen who claim to be devoted followers of Mr. Gandhi. I have no hesitation in saying that this change is really a return to those normal methods of constitutional work, agitation and activity which the Congress discarded in 1920. The other political parties in the country, like the Liberals, to which party I am proud to belong and which have consistently followed these constitutional methods have been persistently held up to ridicule, misrepresentation, calumny and obloquy by many leaders and organs of the Congress, ever since the Congress resorted to dubious and harmful paths of direct action. I am aware that the Congress has not altogether abandoned civil disobedience and that Mr. Gandhi has reserved to himself the right of practising it and practising it in the name of the Congress. I am however inclined to think, at all events I sincerely hope, that he will not practise it. In

this connection, may I express the hope that in order to help matters further should he again seek an interview with His Excellency the Viceroy it will not be refused this time. Such an interview will prove all to the good. The situation has changed and the interview may well be granted. Perhaps one of the results of such an interview may be that Mr. Gandhi may feel that even he himself should no longer think of practising civil disobedience and this in itself may lead to further improvement in the situation. But supposing that he again resorts to the practice of civil disobedience, surely Government are quite able to deal with him. They have hitherto dealt with him most skilfully and no doubt they will deal with him with the same skill if he again courts arrest by resort to civil disobedience. The point is that the new Congress policy is not likely to be again suddenly altered by his practising civil disobedience. If such a sudden change was really contemplated or intended by Congress leaders, their decision to suspend civil disobedience and contest elections to the various Legislatures would have no meaning. In fact it would be positively foolish. Whether Mr. Gandhi chooses to go to jail again or not, the suspension of civil disobedience and the removal of the ban against Council entry will continue at least for some time. Whether civil disobedience is virtually dead for all time it is too much to prophesy but that it will be in a state of suspended animation, at all events, for some years to come, is an inference which may be legitimately drawn from the present circumstances. And as to the boycott of Legislatures, I venture to think that the Congress will regard that unprofitable idea as a thing of the past and not resort to it again.

The country is glad that Government have promptly responded to the new policy of the Congress and my Resolution simply means that the response may be carried a stage further. Government are entitled to praise for denotifying Congress organizations and releasing political prisoners. The country was pleased that Pandit Jawaharlal Nehru was set free to be by the side of his wife who is so seriously ill. The country expected he would be given his freedom and it deplores that Government have thought it right to send him back to jail. We sincerely hope that the demand for his release will yet be sympathetically considered. The Government deserve praise also for the announcement made in the other House that any legal bar to the candidature of Congress candidates on account of their imprisonment will be removed on application. All this reflects great credit on Government and what I suggest in this Resolution is that Government should declare or give an assurance that the legislation directed against the civil disobedience movement will not be re-enacted after the expiry of its time-limit.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Nominated Non-Official): Which Act please ?

THE HONOURABLE SIR PHIROZE SETHNA: The Act of 1932 for putting down civil disobedience.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: And not the Press Act ?

THE HONOURABLE SIR PHIROZE SETHNA: It is all one Act.

As I have already said, there is the Criminal Law Amendment Act of 1932 whose life will expire in December, 1935. Besides this there are similar

[Sir Phiroze Sethna.]

Provincial Acts passed to supplement it. I submit that these measures should not be renewed after the expiry of their time-limits and that Government should make a declaration to that effect. Honourable Members will have noticed that the Resolution is restricted only to measures directed against the civil disobedience movement, it has nothing to do with measures passed to stamp out the terrorist movement. They are entirely excluded from the purview of my Resolution as they stand on a different footing altogether although speaking for myself I would certainly say that Government have not acted in their own interests in having made them permanent. They should have been re-enacted for a period of only three or five years. I invite the attention of the House to the proviso in my Resolution. It will be seen that I do not urge the immediate repeal of the legislation. It may remain on the Statute-book till the expiry of its time-limit, but after that it should not be re-enacted, provided that in the meanwhile civil disobedience is not revived. As I have already said, there is no immediate or near possibility of its being revived, but all the same, there is the proviso which means that the legislation will not be renewed only on the condition that in the meanwhile the Congress does not revive civil disobedience.

I shall deal with one more point before I conclude. It may be said the civil disobedience movement may not be revived for two or three years, but what guarantee is there that it may not be revived after that period. My answer is that if such a contingency arises, Government will be quite able to meet it. I sincerely hope that it may not arise; I feel that very likely it will not arise because the Congress has learnt a bitter lesson these last two years. I trust that both the Government and the Congress will see to it that it may not arise. But if it unfortunately does arise it can be met in the same way in which the renewal of civil disobedience in 1932 has been met. Sufficient unto the day is the evil thereof and Government will not be justified in re-enacting the legislation simply because there is the contingency of a future revival of civil disobedience. The legislation was passed to meet a particular emergency and the emergency having disappeared the legislation also should disappear.

With these words, Sir, I commend the Resolution to the acceptance of the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, there is nothing very much for me to add to what has fallen from the Honourable the mover of the Resolution. In supporting the Resolution I make bold to say that it falls far short of what the country demands. Several repressive laws were enacted only to meet the emergencies created by the adoption of the creed of the civil disobedience movement by the Congress. When the emergencies arose, the Indian Legislature did not hesitate to give the Government the necessary powers to meet the movement with a firm hand. Now that the movement has been completely abandoned by the Congress there appears to be no justification of those repressive measures to be on the Statute-book even for a single day more. Had there been a national Government, the first and foremost work of theirs would have been to come

before the Legislature with a proposal for the repeal of all those repressive laws enacted for meeting the civil disobedience movement only. But the foreign bureaucracy enthroned not on the suffrage of the people of this country but on the solid and stony foundation of the autocracy of the British Cabinet never cares for the sentiments and the feelings of the nationals of the country. They neither care for the suffrages of the people. The only thing they care is to please their master at Whitehall who are in office on the suffrage of the British people. Sir, as I said before, the Resolution demanding the assurance from Government that they would not re-enact those repressive laws enacted for meeting the civil disobedience movement falls far short of the demand of the country and if the Government do not see their way even to accept this very modest demand it will show the inner workings in the minds of the bureaucrats in its nakedness. It will prove to the world that the bureaucracy do not require repressive laws for meeting emergencies but they get such legislations passed in times of emergency only to get it permanently transferred on to the Statute-book as they did in the case of the Bengal Criminal Law Amendment Act not very long ago.

With these words, Sir, I whole-heartedly support the Resolution.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, before the Honourable Sir Henry Craik, the new Home Member, whom I am delighted to see amongst us today (Applause), and who was a distinguished Member of this Council in 1921, rises to make his official reply, I would like to make a few observations on the scope of the Resolution moved by the Honourable Sir Phiroze Sethna. Sir, I may say at once that it is gratifying to all patriotic men and women in the country to see that saner counsels have prevailed in the Congress; the Congress has abandoned its programme of civil disobedience and has after all decided to participate in constitutional agitation. My only hope is that this decision of the Congress will be more stable than has been the case with some of its decisions in the past and that having given up the civil disobedience it will not consider it fit to resume it in the near future. The object which the mover of this Resolution, the Honourable Sir Phiroze Sethna, has in view is one which I am sure will commend itself to Honourable Members of this House. Sir, most valuable time, three to four years, has passed in a most meaningless political fight. The Congress surely could have done much more useful work during these three to four years if it had turned its attention to improving the scheme of the political constitution better and making it more acceptable to the pople than it has by directing its energies and activities along the fruitless channel of civil disobedience. Fortunately, as I say, all that is over. The Congress has announced its decision that now it is going to do useful constructive work and I am sure the Honourable Sir Phiroze Sethna is right when he invites the Government of India to show an attitude of responsiveness and to help the Congress as far as Government can in the programme of co-operation that the Congress has newly chalked out for itself. I think, Sir, the Government have certainly done their duty and as such I think the country owe them thanks for the withdrawal of the various notifications that had been issued against various Congress organizations.

3 P.M.

[Saiyid Raza Ali.]

The question now is what more can the Government do and what more should the Members of this House call upon the Government to do to help the Congress in its new programme. Sir, so far as the proposed negotiations between his Excellency the Viceroy and Mr. Gandhi to which the Honourable Sir Phiroze Sethna referred are concerned, I am sure that, if any such proposal is set on foot, Honourable Members of this House would surely wish and desire that such negotiations should become fruitful and result in something for the good of the country. There is unfortunately a split in the Congress. I do not want to dilate upon that. Most unfortunately there is a split in the Congress and an important section have seceded from the parent body. What the outcome of that will be is more than I can say but I am sure I can say this much that the political future of this country, in view of what is going on on all sides does not seem to be very hopeful. I hope I am not a pessimist but, Sir, I cannot help saying this : " What is going to happen to us when all the important political bodies are so obviously in conflict that there is no reasonable hope of the electorate being able to give a considered verdict on the appeal that is being made to it ? " For instance, Sir, I do not think I wish to dwell at any length on this question but I just want to refer to it in passing—what is happening today ? What is the Congress attitude to the Communal Award ? Well, Congressmen's attitude is that they neither accept nor reject it. I ask this House to realise the consequences of that. Then there is a section which says : " Down with the Communal Award! No constitution is going to be acceptable to us unless the Communal Award is scrapped ". Then there are the Mussalmans who swear by the Communal Award and they in their turn say : " No constitution will be welcome to us unless we have our Communal Award *plus* such safeguards in the White Paper as have been conceded to us ". Then there is the Hindu Mahasabha whose programme is too well known to Honourable Members of this House for me to mention. So with these conflicting interests, with these irreconcilable claims, can we hope that our electorates are going to come to a reasoned and considered verdict. I am extremely sorry, Sir, at what is happening and I can only hope things will take a turn for the better.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : When will it take a turn ?

THE HONOURABLE SAIYID RAZA ALI : That depends on most of us, Sir. Perhaps more so on Bengal than on any other province.

Having said this much, let me invite the attention of my Honourable friend, Sir Phiroze Sethna, to a few difficulties that occur to me as a non-official Member in the way of accepting his Resolution. There seem to me to be four fatal objections which can be urged against his Resolution. In the first place, his Resolution is of such a hypothetical nature that it is not possible to form any decision on that. The terms of the Resolution were read out by the mover. He himself has seen the mess and has tried to explain it away. Now, the position is this, Sir. How are we to know what is going to be the attitude of the Congress in December, 1935. Very briefly stated, there is a principal Act, Act No. XXIII of 1932, which was passed in that year and which expires on the 19th December, 1935. The Honourable Sir Phiroze Sethna says that on the expiration of that Act its provisions should not be re-enacted. Now, that surely is a desire which is very laudable, which I hope we all share, but who can say for

certain as to what will be the condition of the country in December, 1935. Surely it is too much to expect this House in August, 1934 to advise the Governor General in Council as to what legislative measures he should undertake to bring or should undertake not to bring before this Council in December, 1935. The next point in this connection is that, assuming that the Government made a declaration like that which the Honourable Sir Phiroze Sethna wants, what would be the effect of that declaration ? That declaration, I need hardly say, Sir, would have no binding effect on the Government, assuming that the civil disobedience was launched again between now and December, 1935. So, even assuming that declaration was made, it would have absolutely no effect and everything would depend on what turn events would take by the end of 1935. In the third place, as my Honourable friend Sir Phiroze Sethna has himself admitted, to me it seems that it hardly lies in his mouth to move a Resolution of this character. We know, Sir, that Congressmen have decided to offer themselves in large numbers for election to the Legislative Assembly. Whether they will be in a position to capture the majority of seats is more than I can say. Anyway, remembering the claim of Mr. Gandhi before the second Round Table Conference that he was the one true representative of India and that he alone could claim to speak for the people of India, I do not think they are wrong in the expectation that they would be returned in very large numbers. If so, I take it that the next Assembly would be holding its session in January, 1935. Surely it would be for those Congressmen who would be returned to the Assembly on the Congress ticket to make a demand of this character and satisfy the Government that their parent body, namely, the Congress is not likely to re-start the civil disobedience movement. I do not think an assurance of this character can come at all gracefully or even reasonably from the Honourable Sir Phiroze Sethna who has given a list of his own grievances against the Congress.

Lastly, I know that it is considered by some people the weakest argument of all if anybody were to express confidence in Government. I believe in certain circles that is supposed to be something very wrong ; but in spite of that, I can not help saying that the Resolution is based on distrust of Government. What I mean is this. Assuming that the situation remains till the end of 1935 as it is today, is there any reason to suppose that Government will be cruel enough, Government will be callous enough, Government will be indifferent enough to re-enact the provisions of the expiring Act of 1932 and not care for public feeling and public opinion at all ?

Having regard to all these considerations, Sir, my submission is that while I entirely agree with the object of my Honourable friend that every thing should be done to promote more harmonious relations between Congress and Government—that while we who do not belong to the Congress and who are not responsible in any way for the policy of the Government should do every thing to bring about this end—I do not see how it is possible for us to advise Government today about what they should do about 18 or 19 months hence.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces [Southern : Non-Muhammadan): Sir, it is necessary to explain my point of view on this Resolution as I do not wish to give a silent vote. I belong to a small group of men in the country. They are called the Liberals,

[Pandit Prakash Narain Sapru.]

and Sir Phiroze Sethna is one of the distinguished leaders of the Liberal Group. The position of the Liberal Group to which I belong has been that the steps taken by the Government in putting down the civil disobedience movement were far in excess of the requirements of the situation, that the ordinary law of the land was sufficient to cope with the situation that had been created by the civil disobedience movement, that with a certain amount of tact on the part of Government the civil disobedience movement could have been averted and would have been avoided, and that there is no longer any need for the laws that disfigure the Statute-book——

THE HONOURABLE THE PRESIDENT : We are not concerned now with the past ; we are only concerned with the future.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : If you will just excuse me, Sir, I am developing my argument. My argument is that there is no longer any need for these laws and therefore they ought to be repealed now and in any case there is no reason why Government should not make a declaration now that it will not re-enact these laws after the expiry of their term. Sir, we Liberals have never agreed with the policy of the civil disobedience movement. That is a policy which has not met with our approval. We have voiced our dissent from that policy. At the same time, Sir, we are glad that the Congress has given up civil disobedience. At any rate, it has suspended civil disobedience *sine die*. We are glad that it has done so, because civil disobedience has hampered the growth of public life in this country, and it is from that point of view that we have not been able to approve of civil disobedience. What is sacred with us is not any particular method. The method must be legitimate and peaceful. Those are the only qualifications I make. What is with us sacrosanct, is not, I say, any particular method. What is sacred with us is Indian freedom and it is because we felt that by filling jails and bearing *lathi* charges cheerfully we cannot create a force which will enable us to achieve freedom—it is because we felt that we cannot by this method create that force—that we have been critical of civil disobedience. The position today is that there is no civil disobedience. Then why have this emergency legislation which you thought was necessary and which we do not think was ever necessary ? The Viceroy of India or the head of the executive in India has very, very large powers indeed. He has almost, one might say, dictatorial powers, and if you at any time feel that there is a situation which requires to be dealt with promptly, you can have your Ordinances in the twinkling of an eye. It will not take you five minutes to have these Ordinances. You have the drafts ready ; you have the Acts ready ; it only requires the signature of the head of the Government to deal with the situation by Ordinances. Sir, if you ever want to have permanent legislation, you can have your permanent laws, because even under the White Paper the Governor General will have all preventive powers of legislation, all affirmative powers of legislation, and all negative powers of legislation. Then, Sir, where is the difficulty in the way of repealing these laws ? Sir, the Honourable Sir Phiroze Sethna has referred to the improvement in the political situation. It is necessary to speak with a certain amount of straightforwardness on this matter and I propose to do this. The political situation from

our point of view has certainly improved in the sense that an obsolete weapon like civil disobedience has been abandoned, that it has been made possible for Congress to enter the Legislatures because the Legislatures touch the life of the community intimately and it is a fatal policy to ignore them. It has improved in this sense. But it has not improved in the sense that people are more happy, that the people are more satisfied and contented with the Government. There is grave dissatisfaction, not in Congress circles alone but in Liberal circles as well. Men like Mr. Sastri, Sir Chimanlal Setalvad, Mr. Chintamani, men who cannot be accused of great extremism, men like Mr. Jayakar and—I cannot obviously refer to a certain name—these men are dissatisfied with the way in which the constitutional issue is being tackled. They have never been satisfied with the White Paper. They feel that things are shaping themselves in a way which is very disheartening for constitutionalists. We probably will have some further whittling down of what was not a very satisfactory paper. Well, Sir, you can govern this country by force if you like. I am prepared to recognise that we have failed. Mr. Gokhale once said "that we can in existing circumstances only serve our country by our failures". That remark remains as true today as when it was made in the past. All that we can do in existing circumstances is to educate public opinion, to do some spade work, so that the generations that might come hereafter might reap the harvest. So far as we are concerned, I am prepared to confess in all humility that we have failed in our endeavour to induce you to give us a constitution that will place this country firmly on the road to Dominion status. Sir, I speak in all humility and in all sorrow, because I belong to a school of thought which believes in Indian freedom as a sacred principle, but which also believes that Indian freedom is not irreconcilable with loyalty to the British Commonwealth and it is because I feel that the position of this group is becoming more and more difficult in the public life of this country that I think it a solemn duty to say that the present policy of the Government will not do, that it will alienate whatever moderate opinion there is in this country and that it will make the task of constitutionalists very difficult. Sir, I have some difficulty in regard to the Resolution of the Honourable Sir Phiroze Sethna. My difficulty is created by the words "provided that in the meanwhile civil disobedience is not revived". It might be open to the construction that in our opinion these measures were necessary to meet civil disobedience. As I have said, they were not. I have seen, Sir, a *lathi* charge myself. I shall never forget that scene in all my life. I saw a young girl of 16 beaten by *lathis*. I do not say deliberately beaten. I do not think the policeman would have done it deliberately. But I saw it and it was a most painful sight for me, and I can honestly tell you I did not have any sleep that night.

THE HONOURABLE SAIYID RAZA ALI : That must have been before the Act of 1932.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : I cannot exactly remember the date, Sir. My Honourable friend Saiyid Raza Ali says, "Why bother about the Congress ?"

THE HONOURABLE THE PRESIDENT : I have given you a good deal of latitude Mr. Sapru and I must ask you now to stick to the Resolution.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : I am sticking to the Resolution.

THE HONOURABLE THE PRESIDENT: I am afraid you are not.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: My Honourable friend Saiyid Raza Ali said, "Why bother about the Congress?" Well, the Congress is a great organization. It is a dynamic organization, and even though we Liberals have the misfortune to differ from that organization in certain matters we cannot be uninterested in the vicissitudes of Congress politics.

Sir, with these words, I will resume my seat.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Sir, I have heard with great attention the most eloquent speech of the mover of the Resolution and the speeches of his supporters. It is indeed gratifying to see that the Congress has withdrawn civil disobedience, though the leader of the Congress, Mahatmaji, has reserved to himself the option of practising civil disobedience. But I join in the wish of the mover of the Resolution that better counsels will prevail on him and his followers and that they will not revive civil disobedience. But, Sir, my difficulty is quite different and I hope the mover of the Resolution will try to meet it when replying. It is with reference to his words that repressive legislation should not be re-enacted after the expiry of its time-limit. Now, I will call the Bombay Special Emergency Powers Act a repressive legislation, and there I am sure the mover of the Resolution will agree with me. But the Honourable mover of the Resolution does not realise that the Special Emergency Powers Act of Bombay does not only deal with civil disobedience but with terrorism and communism as well. Now, if the Government were not to re-enact this Act may I ask him will he then support the Government of Bombay if they bring forward a separate Bill to uproot terrorism and communism?

THE HONOURABLE SIR PHIROZE SETHNA: Most certainly!

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH: Now, Sir, I will read out to the House an extract from the speech of the Honourable Home Member when he introduced that Bill. He says:

"Then, Sir, it is suggested that we should have power only to deal with the civil disobedience, which also of course is not practicable for two reasons. First of all because in addition to the civil disobedience movement there is also a thing called the terrorist movement, although Honourable Members may imagine that does not exist in this presidency I regret to say that it is not the case".

So, Sir, the Honourable Member should see that this repressive legislation, the Bombay Act, deals, besides the civil disobedience movement, with terrorism and communism. Now, again, my Honourable friend from Bombay knows of the present strikes. What were the ringleaders doing in this strike? They were making inflammatory speeches, inciting workers to use violence against the police and loyal workers. Well, when they were asked what their demands were, the Joint Strike Committee put forward 20 demands. I will only deal with two of them. They were to withdraw all repressive measures and to release all political prisoners. Well, Sir, what has labour to do with politics that they should want to insist on the withdrawal of repressive legislation and the release of political prisoners? That clearly shows that there

was communism at the bottom. When the Government of Bombay realised that the leaders of the strike were communists, they exercised the powers in section 3 of the Special Act and arrested the ringleaders, and it had a very good effect. I need not waste the time of the House reading out the Press Note of the Government of Bombay. It was due to that section 3 of that Act that the ringleaders were arrested and the strike came to an end and thus the Bombay Government saved the sinking ship of the millowners from ruination. I remember once as a Member of the Government of Bombay I was in charge of Labour and there was a strike. And there came to me in deputation my ex-colleagues and the ex-President of the Assembly and leading Bombay gentlemen, and what they suggested was that the Government should abdicate because they could not deal with that strike. Communism was rampant and the Government could not do anything. At that time we had no power. Had we had these powers we should have at once resorted to them. Then, Sir, my friend knows about picketing by intimidation. My Honourable friend Mr. Sapru knows that under the Indian Penal Code it is not a cognizable offence unless the man who is intimidated lodges a complaint. But here is a poor coolie, a labourer living in his *chawl*; he is picketed and intimidated. He is not allowed to go to his work. How can he get out of the clutches of the picketers and go and lodge a complaint. We found the same difficulty in Bombay this year. Therefore we made out a case that this movement was a communist movement and applied to the Government of India to allow us to use section 7 of the Indian Criminal Law Amendment Act, 1932. Till we made use of that, Sir, loyal workers were not allowed to go to their work. This also, Act XXIII of 1932, is a repressive measure. If we do away with that, Sir, when next there is a strike how are we going to ask the Government of India to use section 7 of that Act to stop picketing at the *chawls*. Lastly, Sir, I will refer to another Act of the Government of India, but I am sorry I do not know the number; but I understand that the Government of India have proscribed the Indian Communist Party of India under a certain Act of the Central Legislature.

THE HONOURABLE SIR HENRY CRAIK: The Criminal Law Amendment Act of 1908.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH: Under that Act they have the power to prevent anybody subscribing to the funds within India or outside India from Moscow and other places. That is again a piece of repressive legislation. If we do away with all that, is the Honourable Member prepared to give Government all these powers by fresh legislation? Then, I might request the Honourable Home Member to consider this Resolution.

With these words, Sir, I resume my seat.

THE HONOURABLE SIR HENRY CRAIK (Home Member): Sir, before I address myself to the Resolution under consideration, I trust you will allow me to express my very great appreciation of the privilege of being allowed to address this House, of which I had the honour of being a Member so long ago as 1921. I should like to add how glad I am to recognise so many faces of my companions of those days, one such being my Honourable friend the mover of the Resolution, and another, Sir, yourself, who now occupy the Chair.

[Sir Henry Craik.]

I think it is desirable that it should be clearly put before the House what legislation is covered by the terms of the Resolution. We have first the central Act, which was passed in December, 1932 ; but besides that Act, there are no less than six Provincial Acts, in Bengal, the United Provinces, Bombay, the Punjab, Bihar and Orissa and the North-West Frontier. My Honourable friend the mover of the Resolution did not allude to these six provincial Acts, but it is undoubted that they do come within the four corners of the Resolution. He is asking us to declare that these Acts, provincial as well as central, shall not be re-enacted when they expire. All of them, with one exception, expire in December, 1935. The one exception is the North-West Frontier Act, the term of which is five years and not three. Now, Sir, most of these Provincial Acts are very much on the same lines. They include provisions against picketing and other forms of civil disobedience, such, for example, as that peculiarly cowardly form of bullying which some civil disobedience volunteers indulged in, the mock funeral ceremony or *Syapa* ; but besides that they also include certain provisions which enable Local Governments to restrict the movements of any persons who have acted, or acting or are about to act in a manner prejudicial to the public safety or peace ; and they further give the power of detaining such persons in custody without trial for a limited period of two months. Those are the local Acts. The central Act, however, contains certain special provisions the most important of which are perhaps those relating to the press. To those provisions no allusion has been made today by any speaker. But I consider them perhaps the most important sections of the Central Act. Those sections extended the Indian Press (Emergency Powers) Act of 1931 during the currency of the Central Act, that is to say, up to December, 1935 ; and they also widened the scope of certain sections of the Press Emergency Powers Act.

Now, Sir, my Honourable friend's Resolution asks the Government to make a declaration that the whole of this legislation will not be re-enacted when its natural term expires, provided that in the meantime civil disobedience is not revived. That is to say, about half-way through the currency of these Acts my Honourable friend asks Government to assume the mantle of a prophet and to say that 16 months hence the state of the country will be so peaceful that these Acts need not be re-enacted. I would like to remind the House that civil disobedience was suspended in effect on the authority of Mr. Gandhi's statement of the 7th April last. That statement was in more than one respect open to several interpretations, but one thing was perfectly clear, that it was not the intention that civil disobedience as a political weapon should be permanently abandoned. It was suspended for the time being ; and moreover, let the House mark this, it was suspended only as a means of obtaining *swaraj*. It was explicitly not suspended at all in reference to what Mr. Gandhi termed specific grievances. This was made clear by several public utterances about that date, in April or May this year. For example, in a special and exclusive interview given to the *Statesman* on the 18th April Mr. Gandhi was asked whether it was correct to say that the suspension of civil disobedience was only temporary or whether he meant that it would have to be resorted to in the near or distant future. That was a perfectly straight question and his reply was that :

" He had no notion when the call would come to him to ask his co-workers to resume the struggle ".

That certainly does not indicate that there was any intention of abandoning civil disobedience permanently. On May the 19th—that was about a month later—in a long speech delivered at Patna he made it clear that :

" By suspending civil disobedience he had saved this weapon for the country for future use when the country would be ready ".

In the same speech he spoke of

" It being his duty to warn members that a far severer discipline and keener appreciation of the necessity of non-violence would be expected before people could be called upon to re-engage in the struggle ".

Obviously in all these three utterances he contemplated the possibility of civil disobedience being resumed again ; and that attitude has been endorsed on more than one occasion by various of his follows. For example, Mr. Varadachari, in a speech in Madras on the 18th April, said :

" The Congress gives up, it is true, civil disobedience for some time, but it will not abandon agitation among the masses ".

And a much more recent pronouncement was made by Mr. Rajagopalachariar, actually in the present month, that is to say in the beginning of August. In an interview with a representative of the *Hindustan Times* he in effect urged that candidates (*i.e.*, Parliamentary candidates) on the Congress ticket should be selected from those who had practised civil disobedience in the past and who may be called upon to resume civil disobedience in the future.

Now, Sir, in the face of these utterances it seems to me idle to assert, as the Honourable Mr. Banerjee did, that civil disobedience has been permanently abandoned. All that has happened is that its use as a political weapon has been for the moment suspended, and greatly as Government welcomes this change of heart, I think it would be a bold man who would assert that civil disobedience may not be again resumed within the next few years.

Sir, it was made perfectly clear when the central Bill was passed in December, 1932, or rather when it was under discussion in September, 1932, that the original intention of Government was to make it a permanent measure. My predecessor, Sir Harry Haig, said, and I would ask the House to weigh these words carefully :

" It is not sufficient that the powers should be in existence merely until the civil disobedience movement ceases, but that they should be available—without the odium that naturally attaches to the issue of an Ordinance—in case that movement or a similar movement is revived. When the civil disobedience movement ceases, the ideas may lie dormant, but they will not be dead ".

And he went on to say :

" I would impress very earnestly on the House that we are engaged in the very delicate and difficult operation of handing over power in this vast country from one set of hands to another. I am not aware that as a deliberate policy an attempt on such a scale has ever been made before in the history of the world. That operation is bound, according to my reading of history, to set up conditions that have proved to be the most favourable occasions for revolution. It is when the system of government that has been in force for many years begins to reform itself or to transfer its powers to others, that the forces of revolution tend to gather strength. I think that is a fair reading of those tremendous upheavals known as the French Revolution and the Russian Revolution. At such times the minds of men become disturbed, and unless the Government is reasonably strong and can retain

[Sir Henry Craik.]

control of the situation, the whisper of change is the signal for a sudden uprush of all the discontented elements. We need at such a time to have the authority of Government unquestioned, if we are to avoid the danger of an upheaval in which property and parliaments alike may disappear ".

Now, it is quite true that at a subsequent stage in the discussions of that Bill, Government agreed, in response to pressure from various quarters, to place a time-limit of three years on the duration of the measure in the hope that by the end of that time the futility, the waste of effort, the injury to the country, both moral and economic, caused by the civil disobedience movement, would have been realised and that the movement itself would have been finally discredited. But I would ask the House to consider carefully whether it can yet be said that that hope has been realised.

Moreover, as more than one speaker has pointed out, this legislation is directed against other dangers besides the civil disobedience movement. It was made clear in the Central Legislature and I think in most Provincial Legislatures, that these Acts would be used as weapons against the two dangers of terrorism and communism. My Honourable friend, Sir Ghulam Husain Hidayatallah, has made it clear that that was the declared intention in Bombay and the Act there has so been used. I myself was Member in charge of the Bill that was passed in the Punjab and I made that equally clear, and I can assert with confidence that the more serious sections of the Act, that is those relating to the power of detention without trial, have been exclusively against terrorists and communists in the Punjab. Now, Sir, those dangers are still present. Terrorism is certainly not dead and communism is becoming daily a more serious menace. Are we justified in depriving Local Governments of these weapons which experience has shown, as my Honourable friend Sir Ghulam Husain Hidayatallah pointed out, to be the only effective weapons against the two dangers to which I have alluded.

Sir, I referred just now to the fact that the central Act contained provisions for the control of the press. How necessary that control is is shown by a glance back at recent history. The second Press Ordinance was withdrawn early in the year 1931 and shortly afterwards several Local Governments reported to the Government of India that the withdrawal of that Ordinance, which had had the effect of silencing the worst organs of the press, immediately led to a very marked deterioration in the tone of the press. All or most of these organs, which had been temporarily silenced by the Ordinance, reappeared and many of them began openly to preach revolution and quite openly to repudiate the doctrine of non-violence. Praise was lavished daily in a dozen newspapers in the Punjab on murderers such as Bhagat Singh who were extolled as heroes, and the youth of the country were urged to follow his example. Many of these papers also (and this is an important point) deliberately fomented communal hatred, that is hatred between one great community and the other. Indeed it was obvious that their circulation depended on this kind of writing.

Sir, this is a subject on which I speak from long personal experience. I had much to do some years ago with the press and I formed the opinion that the lower section of the press (what is still termed, I think, the gutter press) is about as low an organism as can possibly be conceived. These newspapers, as they call themselves, are run entirely for personal profit. Their circulation depends on their getting into their headlines something thrilling and they are absolutely unscrupulous about perverting the truth. Nearly all of them are run by a dummy editor whom the law cannot touch. The only person we can touch is the person who poses as the editor, usually the office *chaprasi*. There were dozens of such organs in the Punjab, in Lahore, in Amritsar, in those days when the Ordinance was allowed to lapse and I am quite certain that dozens would spring up again if this Press law was relaxed. I could spend an hour quoting to the House extracts from these papers—I have a large collection here—which I am certain would make every Honourable Member thrill with horror to think that anybody could be so debased as to put such sentiments on paper, but I will spare the feelings of Honourable Members. I would only allude once more to the danger to communal peace from an uncontrolled press of that kind. At that time, that is to say, in 1931, Local Government after Local Government represented to the Government of India that every day saw the most subtle provocation, the most bitter exacerbation of communal feelings and of racial hatred appearing in a dozen organs. The Local Governments emphasised the prompt necessity in the interests of internal peace of the passing of very early legislation to protect the public in general from the inflammatory articles on communal lines of that handful of journalists whose pens are constantly directed towards the provocation of civil strife.

I have spoken of the Punjab in this connection, but I may say that in Bengal things appear to have been even worse. The Bengal Government reported in the summer of 1931 that the constant and reiterated elevation of cowardly murder (in the press) to the plane of heroism and the criminal's expiation of his crime to the plane of martyrdom undoubtedly had the effect of diverting large number of immature and sentimental minds to the doctrines of terrorism. I would ask the House to reflect that if the central Act to which the Honourable mover has referred were to be allowed to lapse, there would in effect be no control of any kind over the press, and in a country like this where writings in the press, when allowed liberty, degenerate so easily into licence, I submit that that is not a state of things that Government can contemplate with equanimity at present.

Sir, I would like to pass on to another aspect of this question. In the early days of the new constitution it seems to me essential that there should be stability and continuity in the new form of government, and in order that there may be that stability and continuity, it seems to me that it will be necessary to arm the new forms of government with means for dealing promptly with dangerous forms of agitation. The new government will in many ways be more susceptible to such influences than the present governments, and will find such influences as violent agitation on communal lines more difficult to resist than the present governments do. I would ask the House whether it will be giving the new constitution a fair trial we say here and now that the new governments which are shortly to come into being will be deprived of the only weapons which the present Government has found really effective in dealing with the more subversive and dangerous forms of agitation. Without these weapons I personally doubt very much whether the civil disobedience movement could have been brought under control. I am afraid I must join

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issue with my Honourable friend Mr. Sapru when he says that the civil disobedience movement is one which could have been dealt with under the ordinary law. I have myself had to deal with no less than three civil disobedience movements. I can assure the House that the Honourable Member is quite mistaken if he thinks that these movements could have been dealt with under the ordinary law, and I am quite certain that my views on this subject will be corroborated by every Member of this House—and I know there are several—who were in the same position as myself of having to deal, either as Secretary or Member of Government or as a district officer, with the civil disobedience movement.

Sir, there is one other point, and that is, that although the Honourable Member has not, as I have said referred to the Acts of the Local Legislature——

THE HONOURABLE SIR PHIROZE SETHNA: I did refer to them—to the supplementary Acts in the provinces.

THE HONOURABLE SIR HENRY CRAIK: But those Acts were not supplementary. They are quite independent of the central Act. They conferred on Local Governments powers which the central Act did not in all cases confer on any Government. But my point is this, that to ask the Government of India to make a declaration now that these Acts will not be re-enacted—surely that is treating the Local Legislatures with very scant courtesy. The Acts in question were passed by Provincial Legislatures and surely it is not for the Government of India to say, especially on the eve of what one may expect will be some form of autonomy in the provinces, what legislative action the Provincial Legislatures ought to take.

Sir, I know that some Honourable Members of this House and many others outside honestly disagree with Government as to the justification of legislation of the type now under consideration, but I would ask them to give Government credit for having acted honestly and from conviction. I myself, Sir, can claim to have no less respect for the system of British law than my Honourable friend the mover or any of these who supported him. But it is wrong to think that the law, as it is applied in the British Empire in times of peace and under settled conditions, contains provisions to meet every kind of emergency. Take for example only one principle. It is admitted by every jurist that under the system of British law, as opposed to the systems of law in force in other countries, the scales are weighted heavily against the accuser and in favour of the accused. That is of course a commonplace known to students of jurisprudence. But even under British law, in emergencies of a kind that are not contemplated and are not provided for in the ordinary law of the land, it has on innumerable occasions been necessary for the Government to take to itself powers to meet particular circumstances. To quote only one example, I would refer to the enormous executive powers given to His Majesty's Government and to other Governments throughout the British Empire during the Great War, powers far in excess of anything conferred on the executive by the legislation now under consideration. The Acts which we are now discussing were admittedly designed to meet special emergencies. My case is that those emergencies still exist. Some of them, I admit, may be less active than they were a short time ago. I do not deny that for a moment. I am glad that it is so. But

it would be a very brave man who would assert that all the emergencies for which these Acts were created no longer exist. My Honourable friend asks us to go further than that and to take action now on the assumption that none of these emergencies will exist 16 months ahead. I must say that I think that is asking us to take too great a risk and I hope that my Honourable friend will, after hearing what I have said, agree not to press his Resolution but to leave it to the Government, at the time when these Acts have run their course, to decide whether they will put before the Legislatures proposals for their re-enactment or allow them to lapse. I submit, Sir, that this is not the time at which Government should be called upon to take a decision of such far-reaching importance and I trust in view of what I have said that my Honourable friend will not press his Resolution.

4 P. M.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, we were waiting with great attention to hear what the announcement of the Government would be on the subject. We have been accustomed for a long time to a different method of government than that which we were having before. I am not going to complain about this change of the Government attitude, but I will just put in a few words on the Resolution. When the original Bill was brought in 1932 and a period of three years was attached to it, we all understood that the idea was not to have this law after the lapse of three years, and that it will not be enacted again irrespective of the circumstances. What we thought, Sir, was that the Government had given an inkling to the public that if these methods proved successful, and civil disobedience waned then these laws would not be re-enacted. In fact our complaint with our Honourable colleague Sir Phiroze Sethna was that his Resolution was too mild, that it did not go far enough. But we understood that he wanted to arrive at a *via media* in order to bridge the gap between advanced opinion and the Government and so were ready to support him. But it seems that the Government does not want the gap bridged. The Honourable Home Member referred to that infamous lady "Dora". The "Defence of Realm Act" in England was passed to meet an emergency which was something quite different from the emergency which the Government of India had to face. England armed itself by this Act to meet the German menace. If they think that the Congress stands on a par with the German army, then we can understand it, otherwise we cannot understand how such an armament is necessary to cope with the Congress.

Then we were told that the Central Legislature cannot bind the Provincial Legislatures. We do not ask for any binding down. What we wish for is just a hand of friendship, a sort of promise to the discontented that if they behave themselves the Government will not use all this frightfulness. The fact that there is terrorism cannot be used as an argument to allow lawlessness on behalf of the Government. I also do not understand why the Government is always bracketing the Congress and the terrorists together. They are as poles asunder. Take the case of Pandit Jawaharlal Nehru which is so prominently in the public eye. All the civil disobedience prisoners are being liberated except Jawaharlal. Why? Because he is regarded as a dangerous man. Has he done any overt act of terrorism that he is being held in durance? Government think that there is a very thin line of demarcation between the extreme Congressites and the terrorists, therefore they practically label them

[Mr. Hossain Imam.]

together. If we know once for all time that the British Government has decided to rule India with the mailed fist and the iron heel, that would be something to go upon. We would know where we were. There are some other people too who have learned a lesson in frightfulness from the Germans and we think the British Government has also learned from them. The press has been suppressed. In every country there are bad and good presses. Who can deny the existence of a gutter press in England. We all know the yellow journalism of England. But is that any reason why the liberty of every press should be taken away. The Press Law of 1931 was bad enough, but since the Criminal Law Amendment Act of 1932 has been brought in, it has been made worse. Because there is still some strife in the country is no reason why there should be no liberty.

But let us see what the Government has done to put a premium on co-operation. We have seen three Round Table Conferences and are awaiting the result of the fourth, the Joint Parliamentary Committee. Is the Government placing a premium on co-operation ? Is it not a fact that with the disappearance and falling fortunes of the Congress, the tone of the Government is changing for the worse every year ? We are seeing more and more that the reforms are being whittled down, and becoming shadowy and reduced to a sham. Is that placing a premium on co-operation, or is that inviting us, teaching us to be more violent : and telling us in so many words that the people must be satisfied to take up the crumbs thrown at them, or in the alternative they should stand shoulder to shoulder with the Congress and take to direct action ? The Moderates are nowhere. They cannot find favour either with the people or with the Government. With the people they are out of favour because they do not go far enough ; with the Government they are not *persona grata* because they always criticise its actions and demand advance. That, Sir, is really driving the strife underground, and I am very much afraid if full scope for expression of opinion, liberty of association and other fundamental rights are not conceded, we may have to face not these paltry things but a much graver *red danger* from the north-west.

Sir, I support this Resolution.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, India has suffered terribly owing to the civil disobedience movement. The horrors of the movement are fresh in the minds of the people. Having regard to previous experience in such matters, any hasty steps in this connection would defeat the very object of this Resolution. Peace is one of those masterpieces of human art that requires constant efforts. Constant vigilance on the part of the Government is required to eradicate the evils of terrorism and civil disobedience in the interests of the teeming millions of India. The first duty of the Government is to keep the peace. When the civil disobedience movement was at its height, Government was being accused of weakness in taking timely measures. I hope the Government will not delay in doing away with remedial measures as soon as it is convinced that there was no necessity for them. I would therefore request my Honourable friend not to press the Resolution.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I will not take up the time of the House by commenting on the speeches by those Honourable Members who chose to support me. In short, I thank them for the help they have given me. I shall deal with the speeches of those who cannot see eye to eye with me in regard to this Resolution, first the Honourable Members, and finally the Honourable the Home Member himself.

My Honourable friend Saiyid Raza Ali found fault with my Resolution, because he said it was hypothetical and that I asked Government to assume what will happen in December, 1935, and he added : " Who can say for certain what will happen then ? " He also wanted to know what will be the effect of such declaration if made by Government ? My answer in one line to him is that all these comments have been made by him ignoring altogether the proviso at the end of my Resolution. That proviso clearly lays down that if between now and December, 1935, there is any attempt, any fresh attempt, at reviving civil disobedience, Government will be fully justified in renewing the legislation.

THE HONOURABLE SAIYID RAZA ALI : Therefore the declaration becomes at once useless.

THE HONOURABLE SIR PHIROZE SETHNA : The declaration is not binding ; it is binding on certain conditions, which I have clearly explained in my first speech and just now. I now come to my Honourable friend, Sir Ghulam Husain Hidaytallah. He dealt largely with the Bombay Act, which covers civil disobedience, terrorism and communism. He inquired if we would like to do away with the provisions of the Bombay Act in regard to terrorism and communism and he got an emphatic reply from this whole line " Certainly not " ; and that is my reply and that of my friends to him in regard to the question that he put us. He referred again to the ring-leaders of the Bombay strike. I wonder why he did so, because whilst they may be members of the Congress it is a patent fact that they are communists and it is because they are communists that they gave the Bombay Government and the Bombay millowners the amount of trouble which they did and which resulted in the loss not of lakhs but of crores of rupees to the Bombay Presidency during the recent strike. My Honourable friend Chaudri Muhammad Din has desired me to accept the recommendation of the Honourable Home Member and to withdraw my Resolution.

I now come to my Honourable friend Sir Henry Craik. The Honourable the Home Member commenced his speech by expressing his pleasure at being once again in this House in which he sat many years ago. Let me assure him that not only those Members who knew him then but every Member of this House welcomes his presence amongst us today (Applause) and we hope that we will introduce Resolutions and Bills of this nature, which will necessitate the presence of Sir Henry Craik oftener in this House. Sir Henry Craik observed that he has seen today some faces that he knew in 1921. So far as my memory serves me I believe there are five of us in this House who sat with the Honourable the Home Member then, namely, yourself, Sir, Major Nawab Sir Mahomed Akbar Khan, Raja Charanjit Singh, Saiyid Raza Ali and myself.

THE HONOURABLE SIR HENRY CRAIK : Rai Bahadur Lala Ram Saran Das.

THE HONOURABLE SIR PHIROZE SETHNA : I beg his pardon and I am sorry I omitted Rai Bahadur Lala Ram Saran Das. With the knowledge that we six had then of Sir Henry Craik, and from the reports which we see in the press of his attitude towards the Assembly since he assumed his high office of Home Member, I for one certainly expected that he would have no objection in accepting this what I call my modest Resolution. However, he has thought fit to oppose it and has advanced arguments against it. I will try to meet those arguments to the best of my ability, for I am sorry to say I am not convinced and I am not prepared to accept his counsel to withdraw my Resolution.

I should like to ask the Honourable the Home Member as to what the Government of India will lose by accepting my Resolution, because they have the right at a moment's notice, by a stroke of the pen, to issue not a single Ordinance, but a series of Ordinances and then convert them into Acts whenever they want to do so. That being their position, he ought to accede to our request. He may well turn round and ask if that is so and if the public know full well that Government can when they like by a stroke of the pen restore these Ordinances and these Acts, why should not the public accept the continuance of these Acts ? My answer to that is that there are two different views on this subject. If Government accept our recommendation, they convince the public that Government are just and generous, and because the Congress has seen the error of its ways Government are prepared to forget the past. And just think of the favourable impression that that would create in the minds of the entire public, Congressmen or otherwise. If Government, however, do not see their way to accept the Resolution, I leave it to the House to judge what the feeling will be in the public mind ; it will simply mean that you will alienate the public all over the country. Therefore they are missing a very good chance indeed. The Honourable the Home Member will pardon my saying that the difference is the difference between a national Government and a foreign Government. If there were a national Government it would not dare to flout public opinion and my Resolution undoubtedly conveys the general public opinion in regard to this very important question.

The Honourable Saiyid Raza Ali referred to a remark of Mr. Gandhi at the second Round Table Conference that he was speaking for the whole of India. I for one certainly do not endorse that statement. I go further and say that the Congress is a large body, but is certainly not the largest in India. It is more vocal I admit but those who are not members of the Congress, whether they belong to other particular political parties or whether they belong to different religions—and I especially mention religion because 95 per cent. of the Congress may well be said to consist of Hindus, they form the majority and it is this large majority which strives to befriend Government and considers it its duty to point out to Government what should be the right course for them to adopt. If Government do not choose to accept our advice the fault cannot be laid at our door.

Sir, the Honourable Sir Henry Craik referred to the Criminal Law Amendment Act, 1932, and said it referred not only to civil disobedience but particularly to the press and also to terrorism and communism. I do not deny

that for a moment. What I have asked for in my Resolution is only to delete those sections which relate to civil disobedience. Sir Henry told us a lot in regard to the gutter press. I have not said one word in regard to the press either in my Resolution or in my speech nor do I propose to. I do not suggest for one moment that at this stage sections in the Act relating to the press be deleted although it would be right to say that the better sections of the press have to suffer owing to the sins of what Sir Henry rightly described as the gutter press. Let the press as a whole prove, as the Congress has done, that it has set aside its nefarious methods and then will be the time for other Members or myself to advocate their cause before Government. Just at present all that I ask is that those sections which relate to civil disobedience not be re-enacted after December, 1935 if civil disobedience is not revived by then.

The Honourable Sir Henry Craik said that Mr. Gandhi and the Congress have not permanently abandoned civil disobedience and he quoted from the speeches of Mr. Gandhi and some of his followers. I admit all that. At the same time I may point out to the Honourable the Home Member that when the Act was passed in December, 1932, conditions in regard to civil disobedience whether Congress would permanently abandon it or not were exactly the same, that is to say, Government knew very well that, whether they passed that law for three years or for 30 years, Congress would reserve to itself the right of practising this political weapon if and when it wanted to do so. Whether they will or not now do so is another matter. If, therefore, Government knew it in December, 1932, why, Sir, may I ask, did not Government put this measure as a permanent Act on the Statute-book and only proposed for it a life of three years ? That is my answer to the question which my Honourable friend has raised.

Now, in regard to the supplementary Acts in support of the parent Act passed by the Government of India, the Honourable Sir Henry Craik observed that it would be scant courtesy to the other Governments to tell them to follow suit.

THE HONOURABLE SIR HENRY CRAIK : The other Legislatures ?

THE HONOURABLE SIR PHIROZE SETHNA : Thank you. I should say to tell the other Legislatures to follow suit. I am sure that if the other Legislatures knew that the Central Legislature was in favour of this amendment, they would like to follow in their footsteps.

Again, Sir Henry Craik observed that under the reforms the present Government should give every possible help to their successors. My reply to that is very simple. Your successors will adopt the steps which you have followed and if necessary will pass Ordinances and Acts and it will not take them weeks or months to do so. It will take them only a few hours to accomplish these results so that we need not show such solicitude for them.

The main object of my Resolution is to ask Government to make a gesture in response to the new policy of the Congress and if Government did so I am sure that this would be one of the considerations which would weigh seriously with Mr. Gandhi and would influence Mr. Gandhi in not reviving civil disobedience. The Honourable Sir Henry Craik observed and I repeat his words that " terrorism is not dead and communism is a serious menace ". We all

[Sir Phiroze Sethna.]

entirely agree with him but that is the very reason why I suggest to Government that it is in their own interests to get Mr. Gandhi to co-operate with them because with his co-operation they will stamp out terrorism and communism from the country sooner than otherwise.

Sir, I repeat I cannot accept the Honourable Sir Henry Craik's explanations nor the recommendation to withdraw my Resolution.

THE HONOURABLE SIR HENRY CRAIK: Sir, in reply to the Honourable the mover's last observations, I only wish to say that I regret I am a little sceptical of the proposition that a popular Government would not dare to flout public opinion in the way that the Government of India are now doing. I must say my experience of politics rather points to the opposite conclusion. A Government whose position and whose retention of office depends on the popular vote is, I think, more likely to take drastic measures to see that the popular will is not expressed against the Government. That, I think, has been the experience of recent years in democratic countries. The Honourable mover has made an eloquent appeal to Government to act on his Resolution as a gesture of reconciliation, that is to say, to repeal these enactments with a view to winning over our former opponents to co-operation with Government. Now, there again, Sir, I fear that experience has shown that the repeal of special enactments has not in the past had quite that effect. It will be within the recollection of the House that after what was known as the Irwin-Gandhi Pact a large number of special Ordinances were repealed. Well, I cannot remember that that led to any very cordial reconciliation between Congress and Government. In fact, my recollection of that event is that the majority of the followers of Congress availed themselves of the repeal of those special enactments as an opportunity for recuperating their resources and for thinking out fresh schemes for the embarrassment of Government. No, Sir, I am a little sceptical of the value of these "gestures" in conciliating your political opponents. I was glad to hear my Honourable friend make it plain that he did not intend that his Resolution should apply to those sections of the central Act which control the press and I am sorry if I misrepresented the intention of his Resolution but certainly, as I read it, I thought that he meant us to let the entire Act lapse. I am glad that on that point at any rate he is in agreement with me, that is, in admitting the necessity of some form of control of the press.

Finally, Sir, I can only say that I am sorry that my Honourable friend does not see his way to withdraw his Resolution and, as he has come to that conclusion, I can only ask the House to reject this Motion. (Applause.)

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council that having regard to the improvement in the political situation, and in particular to the decision of the Indian National Congress to suspend civil disobedience and to contest elections to legislatures, he may be pleased to make a declaration that the repressive legislation enacted with a view to meeting and putting down the civil disobedience movement will not be re-enacted after the expiry of its time-limit, provided that in the meanwhile civil disobedience is not revived."

The Question is:

"That that Resolution be adopted."

The Council divided:

AYES—8.

Banerjee, the Honourable Mr. Jagadish Chandra.	Jagdish Prasad, the Honourable Rai Bahadur Lala.
Chari, the Honourable Mr. P. C. D.	Ram Saran Das, the Honourable Rai Bahadur Lala.
Ghosh Maulik, the Honourable Mr. Satyendra Chandra.	Sapru, the Honourable Pandit Prakash Narain.
Hossain Imam, the Honourable Mr.	Sethna, the Honourable Sir Phiroze.

NOES—26.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.	Muhammad Din, the Honourable Khan Bahadur Chaudri.
Charanjit Singh, the Honourable Raja.	Nair, the Honourable Mr. C. Govindan.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.	Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Commander-in-Chief, His Excellency the.	Parsons, the Honourable Sir Alan.
Devadoss, the Honourable Sir David.	Philip, the Honourable Mr. C. L.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.	Raghunandan Prasad Singh, the Honourable Raja.
Gladstone, the Honourable Mr. S. D.	Ray of Dinajpur, the Honourable Maharaja Jagadish Nath.
Glass, the Honourable Mr. J. B.	Raza Ali, the Honourable Saiyid.
Hallett, the Honourable Mr. M. G.	Russell, the Honourable Sir Guthrie.
Hidayatallah, the Honourable Sir Ghulam Husain.	Stewart, the Honourable Mr. F. W.
Menon, the Honourable Diwan Bahadur Sir Ramunni.	Stewart, the Honourable Mr. T. A.
Miller, the Honourable Mr. E.	Suhrawardy, the Honourable Mr. Mahmood.
Mitchell, the Honourable Mr. D. G.	Wingate, the Honourable Mr. R. E. L.

The motion was negatived.

HINDU WOMAN'S INHERITANCE BILL.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I beg to move:

"For leave to introduce a Bill to amend the Hindu Law of inheritance in certain respects and entitling women to certain rights to the property of a joint Hindu family and to a share of inheritance on partition."

Sir, I will not detain the House long in asking for leave to introduce the Bill. It is well known that under Hindu Law a woman is excluded from inheritance and from the right to the property of the father or the grand-father. This system is too archaic and requires modification in the light of modern conditions. Almost every system of law gives the woman a share in the family properties and a right to partition. My object in bringing forward this Bill is this: no social reform intended to improve the status of women can be effective

[Mr. P. C. D. Chari.]

unless she is placed on the same footing as men as regards the right to property and inheritance. The Bill seeks to place the Hindu woman on the same footing as man with regard to property belonging to a joint Hindu family.

Sir, I move.

The Motion was adopted.

THE HONOURABLE MR. P. C. D. CHARI: Sir, I introduce the Bill.

THE HONOURABLE THE PRESIDENT: The next Motion of the Honourable Mr. Chari is to circulate this Bill, which has just been introduced, for the purpose of eliciting opinion thereon. I must draw the attention of the Council to the fact that this motion makes a serious departure from the well-established convention of this House. That well-established convention is that on the day on which a motion is made to introduce a Bill, another motion either to circulate or to appoint a Select Committee or to take the Bill into consideration is not usual. I must point out to Honourable Members that the Honourable Mr. Chari is perfectly within his rights and that if he insists, I have no other alternative but to allow him to make the motion. Standing Order 37 says:

"When a Bill is introduced, or on some subsequent occasion, the Member in charge may make one of the following motions in regard to his Bill, namely:

(1) that it be taken into consideration * * * ; or

(2) that it be referred to a Select Committee; or

(3) that it be circulated for the purpose of eliciting opinion thereon".

There is however one important condition imposed by the proviso and that is that copies of the Bill have been made available for the use of Members three clear days before the day on which the motion is made. The Honourable Mr. Chari's Bill I understand was circulated three days prior to this day and therefore technically he is within his rights. I may point out that two of my distinguished predecessors have allowed this practice in the past. The late Sir Alexander Muddiman, in 1922, permitted a similar motion. A motion for leave to introduce a Bill was first made and on the same day a motion for circulation was also allowed and adopted. But at that time the point regarding the convention was not at all raised. This was just a year after the first Council of State was established. Sir Montagu Butler also permitted a similar motion to be adopted immediately after the introduction of a Bill. This was in 1924 when the Honourable Sir Arthur Froom made a similar motion. Lately, I find that in the other House a similar motion was permitted by my brother President. I will just read a passage from his ruling as I entirely agree with the dictum laid down there. The Honourable the President of the Assembly said:

"Since copies of the Bill have been made available to Honourable Members in time, according to Standing Order 38",—which is equivalent to our Standing Order 37,—"the Chair has no right to prevent the Honourable Member if he chooses to do so from making such a motion, because a positive right conferred by the standing order cannot be negatived by the force of convention".

This is my own personal feeling, that a standing order cannot be thrown overboard and that a convention can under no circumstances over ride the clear provisions of a standing order made under the Government of India Act. But

at the same time I am not disposed to disturb or interrupt the convention which has arisen and I would appeal to my Honourable friend Mr. Chari to reconsider his position. I must point out that this order regarding a second motion to be made that very day is founded upon good reasons, and the reasons are obvious. Today of course the motion is to refer the Bill for circulation; but suppose any Honourable Member tomorrow or on a similar occasion arising makes a motion to take the Bill into consideration. Think of the serious inconvenience and hardship which would be felt by other Honourable Members and the inconvenience felt by the Department in charge. Unless my Honourable friend has to leave Simla immediately and will not be present at the next non-official meeting which is on the 5th September, I would advise him not to disturb this convention, well established for many years and for obvious and sound reasons. I would therefore ask him to reconsider his decision. But if he insists on exercising his right, I have no option but to allow him to move.

THE HONOURABLE MR. P. C. D. CHARI: Sir, in view of what has fallen from you I would prefer to move this on the next non-official day, which is the 5th September.

THE HONOURABLE THE PRESIDENT: Thank you.

(The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra in whose name stood the next Resolution* was not present when called on.)

RESOLUTION *RE* ABOLITION OF VICEROY'S COMMISSIONS.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I rise to move:

"That this Council recommends to the Governor General in Council that Viceroy's commissions in the Indianized units of the army should not be abolished".

Sir, I am asking in this Resolution the Government and the military authorities to reconsider their decision in regard to the abolition of Viceroy's commissions. The scheme of Indianization which has commended itself to the Government contemplates what may be called the segregation of Indian King's commissioned officers. They will be posted to units selected for Indianization. They will have no chance of selecting the unit they wish to serve in. As a corollary to this scheme it has been decided to abolish the Viceroy's commission in these units. Therefore the elimination of the Viceroy's commission is, according to the official view, a necessary concomitant of the policy of segregated Indianized units. Sir, as far as I have been able to understand it, the argument is that if you accept the principle that it is desirable to have Indianized units and segregate Indians, you have to go further and accept the position that the Viceroy's commissioned officer in those units would be an anachronism. Now, Sir, in this Resolution I am not raising any question directly as to the policy of what I may call segregation of Indians, but as the two questions are to a great extent interdependent, the position in regard to one being dependent on the other, it is necessary to state that Indian opinion

* "This Council recommends to the Governor General in Council to exempt sugar factories established on co-operative lines from the excise duty."

[Pandit Prakash Narain Sapru.]

is wholly and irreconcilably opposed to this policy of segregation. The arguments against this policy of segregation have been stated with admirable ability in the Report of the Skeen Committee and also in the very able minutes of dissent by Sir Abdur Rahim and Sir Sivaswamy Aiyar. I will just refer to paragraph 9 of the minute of Sir Abdur Rahim, where he has summed up the whole case :

"We hold that the process of Indianizing should go on simultaneously in all the divisions of the Indian Army. We are decidedly of the opinion that a general policy of segregating Indian and English officers in different divisions of the Indian Army is certain to give rise to considerable difficulties, hampering the development of that feeling of comradeship which at this stage is so essential in the interests of efficiency. It is calculated to breed mistrust and jealousies and to give rise to embarrassments when questions of promotions to higher commands will arise in a concrete form. With the experience that we had in the civil departments of Government, we feel it our duty to impress upon the Government the necessity for guarding at the very outset against such risks as the policy of segregation is bound to involve. No one can be more anxious than we are that our Indian officers should accept full responsibility for leadership of the Indian Army as soon as possible, but so long as at least half of the officer establishment of the army is not Indianized the proper policy is to encourage co-operation and not to enforce segregation. The Skeen Committee, I find, also expressed the same view in no ambiguous language ".

Now, Sir, the basic assumption of the official scheme is that Indianization is an experiment whose results have to be carefully watched. That is a position to which we Indian nationalists cannot agree. It is a position which is not consistent with the Resolution of the Defence Sub-Committee of the Round Table Conference, which said that with the advent of the new political structure Indians must take an increasing share in the defence of the country. What Indian opinion will alone regard as satisfactory is what I may call planned effort at definite Indianization within a reasonable period of time, so that India may be able to assume the responsibility of a complete dominion within the meaning of the Statute of Westminster. There is, therefore, this serious divergence of opinion between the British and Indian point of view. Nothing less so far as we are concerned will or can satisfy us. Therefore the position is that the principle of Indianized units having been accepted, it is argued that the Viceroy's commissioned officer is an anachronism as no such officer exists in the army of any other European country and Indian commissioned officers should not be in need of support from a class of officers intermediate between them and the non-commissioned ranks. That is the argument, Sir. This argument might have had some force if a complete policy of Indianization involving the stoppage of British recruitment and elimination of British troops was being followed. But that is not the case. The result from our point of view of the elimination of the Viceroy's commissioned officers will be that, while on paper the Government are able to show an actual increase in the number of commissions, in point of actual fact there will be no real increase in the pace of Indianization. Sir Abdur Rahim in his very able minute has pointed out that the old intake of 29 cadets a year at Sandhurst supplemented by the Viceroy's commissions would have sufficed to Indianize one complete division and one cavalry brigade in the same period as is contemplated by the new scheme.

Now, Sir, it is true that the Indian officer who will replace the Viceroy's commissioned officer will get a better pay and have a higher status, but these

are gains merely personal to him ; they do not speed up the process of Indianization ; they do not mean anything so far as the country is concerned. The result of the elimination of the Viceroy's commissioned officers which is, as I have said, a corollary of the policy of Indianization is that the Resolution of the Defence Sub-Committee that there should be substantial increase in Indianization has been practically negatived. That Resolution remains a dead letter. For—and it is important to stress this—the intake of 60 is accompanied by the condition that the graduates of the new Indian Military College will displace the present Viceroy's commissioned officers, a condition which makes the advance from 29 to 60 illusory and shadowy.

Sir, I am not very well acquainted with the army organization, but as far as I have been able to understand it, the position seems to be that in a unit there are at present 12 to 14 King's commissioned officers and 19 Viceroy's commissioned officers. The proposal hereafter is that each Indianized unit should consist of 28 King's commissioned officers. Therefore the position hereafter will be that nearly half of the men annually recruited will take the place of the Viceroy's commissioned officers. The result is that the pace of Indianization will be retarded and with the advance of the new political structure, Indians will not be able to take an increasing part in the defence of the country, and all this because of the policy of segregation of Indianized units. Sir, the new Military College with its initial intake of 60 a year would have, if the Viceroy's commissioned officers had not been abolished, served to Indianize two divisions and two cavalry brigades with a little more cost than what would be required now to Indianize one complete division and one cavalry brigade. Therefore the scheme as it has actually commended itself to the military authorities is also open to objection from a financial point of view as it will cost more than it need have. We shall now spend on Indianization of one division what would have very nearly sufficed to Indianize two divisions. Sir, a simultaneous process of Indianization of all the units would have avoided all this ; it would not have necessitated the elimination of the Viceroy's commissioned officer in one unit and his retention in other units. It would have contributed, as Sir Abdur Rahim has pointed out, to the growth of a feeling of comradeship among the officers, British and Indian, and not give rise to suspicion and embarrassment when questions of command arise in future. Sir, if you were taking a big step towards Indianization it might have been possible to reconcile oneself to this segregation, but as you are not doing this, the result is that, as your policy necessitates the abolition of the Viceroy's commission, you are inceasing the annual intake on paper but in fact not doing anything to accelerate the pace of Indianization. Even if that intake were not accompanied by any such reservation as now, namely, the abolition of the Viceroy's commissioned officer, it would still be regarded as exceedingly slow not by extreme Indian politicians but by what may be called moderate Indian politicians.

Sir, there is another consideration to which I would invite the attention of the House. The effect of the abolition of the Viceroy's commissioned officer on Indianization and the further difficulty in recruitment, which the decision creates, are aspects on which it is necessary to lay some stress. I stress them as arguments against the abolition of the Viceroy's commissioned officer. Your argument is, Sir, as I understand it, that you had to abolish these Viceroy's commissioned officers as you see no reason why Indian units should have

[Pandit Prakash Narain Sapru.]

Viceroy's commissioned officers. Our answer is that we are not responsible for the policy of segregation ; we are opposed to it ; you are responsible for it. It is——

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Nor are you responsible for the defence of this country.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : So far as that question is concerned, it is for the British Government to answer and it does not lie in the mouth of any Britisher to say that we are not capable of defending ourselves after the policy that has been followed during the last 50 or 60 years.

What will be the position now ? Viceroy's commissioned officers will be abolished in Indianized units only ; they will be retained in units which are to be officered by Britishers. Just consider the effect of this decision upon the quality of recruits to Indianized units ? The non-Indianized units will be more popular with the recruiting classes because they will have more chances of promotion in those units as it will be possible for a private to rise to the position of a Viceroy's commissioned officer in an Indian unit officered by Britishers. Therefore the popularity of Indianized units will suffer with the class from which the average recruit is drawn. It is to be apprehended that there will be less efficiency so far as Indianized units are concerned and then after 20 years you will say that the Indianized units have not given a good account of themselves and therefore Indianization has not been the success you thought it would be. Sir, my point is that you will by this policy lower the character and quality of recruits to Indianized units. If the Viceroy's commissioned officers had been abolished in all units of the Indian Army, there would have been no danger of this, but you are abolishing these ranks in one class of the army and you are retaining these ranks in the other classes of the army. The necessary result of this will be that there will be differentiation between the two classes of officers, between the Indian officer and the British officer. You say that the Indian officer ought not to shirk his responsibility, that he ought to be prepared to act as a platoon commander. Let that be so ; but the inevitable result of this will be that so far as the status, dignity and the position of the Indian officer is concerned, it will suffer in the eyes of his British officers, it will also suffer in the eyes of the rank and file of the army. Then I come to the argument that such officers do not exist in the army of any other country. Well, Sir, our country is a very peculiar one. We have had this system of army organization for a very long time and the burden of proving that there is something wrong with this army organization is upon those who desire a change in the present system of army organization. I say our country is a peculiar one, because it must be remembered that we have got a Government which is not national. Other countries have got national Governments, and that makes a vast difference. There is no use referring us to the army organization of other countries. The present organization has time and tradition behind it and the burden of proving that the change is desirable is upon you. The removal of the intermediate link may or may not be desirable on theoretical or expert grounds, but it is, I submit, highly inexpedient to remove it in one branch of the army and retain it in the other. If you do this, you will be treating the two classes of officers differently. There is no real justification for treating them differently.

The Indian officers are bound to regard it as an indication of inferior status. Sir, it has been said that the prospects of the rank and file will be improved if the Viceroy's commissioned officers are abolished in Indianized units. I do not see how.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Nobody has ever said that.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : Then, Sir, by abolishing the Viceroy's commissioned officers in Indianized units and substituting King's commissioned officers for them in Indianized units, you are laying an additional burden on the taxpayer because the King's commissioned officers cost more than Viceroy's commissioned officers. Sir, the case as I understand it,—I am just summarising it,—for abolition is that there is no need for a Viceroy's commissioned officer——

THE HONOURABLE THE PRESIDENT : You have already gone into that.

5 P.M.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : I am just winding up. I have endeavoured to show, Sir, that no real case has been made out for the abolition. I have alluded to the policy of segregation which is responsible for all this trouble. I have endeavoured to show that abolition of these commissions in Indianized units is a decision contrary to the letter and spirit of the Defence Subjects Committee of the Round Table Conference and that there is everything to be said against a system which will introduce two systems of organization side by side in the army. The idea that the Indian Army should be modelled on the British pattern immediately is premature. It is a question which should and can only be properly taken up by the responsible Government of the future when all the ranks have been Indianized.

With these remarks, Sir, I commend this Resolution to the acceptance of the House.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I had no wish to participate in this debate because my knowledge of the army in these days is not up to date but after hearing the arguments of my friend, the Honourable Mr. Sapru, I have got something to say, Sir. On the one hand, we are pressing the Government that there should be retrenchment in the army expenditure. On the other hand, when His Excellency the Commander-in-Chief comes out with some proposals then my friend objects to those proposals. I do not know what he wants. He said right through his speech that the Viceroy's commission should not be abolished. Well, Sir, if the Indian officer of the Viceroy's commission is abolished how does he know that His Excellency the Commander-in-Chief may not bring the Indian Army on the same lines as the British Army ? In the British Army there are King's commissioned officers and warrant officers. If these are replaced by Indian officers in future, I do not know whether it will be the King's commission or whether it will be a commission like those prevailing in the colonies. Whatever is settled, Sir, that is still a question to be decided but if Indian officers with the Viceroy's commissions are abolished, they can very easily be replaced by the warrant rank just as exists in the British Army. And I take it for granted, Sir, that

[Major Nawab Sir Mahomed Akbar Khan.]

when they get the warrant and non-commissioned rank, they will be paid considerably less than now. Sir, I do not know if the Honourable Mr. Sapru is correct in saying that there will be 28 officers in future—I have my doubts. I know nothing about what is being contemplated under the new constitution but if the strength of the British officers remains as it is at present, 14 or 15 officers, and the Viceroy's commissioned officers are done away with and they are replaced by warrant rank, I think there will be considerable retrenchment made in the expenses. But as I am not aware of what is being contemplated, Sir, so I said from the very beginning that I am not in a position to say much on the subject. As for my own impression, Sir, I heartily agree with my Honourable friend when he says that the Indian officers have been the backbone—I myself called them the tower of the Indian Army, and in the past wars and from the days of the East India Company, the Indian officer has been a tower of strength to the Indian Army. But what is to come I do not know. And when we are not certain as to what is being contemplated, I think my Honourable friend Mr. Sapru would be well advised to leave it to the choice of His Excellency the Commander-in-Chief for the present because he is the head of the army and when he is contemplating something I think it will be for the good of India. We are not in a position to know so much what our requirements are and what our requirements are going to be. His Excellency the Commander-in-Chief is the best judge. He is the head of the Indian Army here. For me it is a difficult position. Fortunately, my friend the Honourable Mr. Sapru is not in the same position as I am. I am a pensioned officer of the army and I believe that in the army a junior has no right to discuss the merits or demerits of a superior officer or of his proposal, but here I find that the Honourable Mr. Sapru has been discussing things very freely and I would advise him to leave it to the discretion of His Excellency the Commander-in-Chief because he can be the best judge of what he is going to undertake and I think that his proposal will at any rate bring in a considerable reduction in the army expenditure.

THE HONOURABLE THE PRESIDENT: This will be a convenient stage to adjourn. The debate will be resumed on the next non-official day.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, the Council will not meet tomorrow and on Thursday, the 30th August, for the transaction of any business. *Janam Ashtmi*, the Leader of the Opposition informs me, falls on the 31st. I therefore suggest that the Council meet at 10-30 A.M. on Saturday, the 1st September, when the Petroleum Bill, and the Iron and Steel Duties Bill, which has been laid on the table today, will be taken up and, if the business on the order paper is not concluded, it will be continued on Monday, the 3rd September.

The Council then adjourned till Half Past Ten on Saturday, the 1st September, 1934.

COUNCIL OF STATE.

Wednesday, 29th August, 1934.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

GENTLEMEN,—

In greeting Honourable Members this morning after my short holiday, I need hardly tell you how delighted I am to be amongst you once again, to find you still engaged in your strenuous labours on behlaf of India, and to take this opportunity of thanking you all for the assistance you have given to my Government during the past four years in passing into law the many very important measures that have been brought before you during the period of the life of this Parliament which will shortly be coming to a close.

In a message communicated to you on the 6th March, 1933, I announced my decision to extend the duration of the existing Assembly for such period as might seem expedient in the light of the conditions prevailing when the time came actually to effect the extension, and on the 22nd December 1933 I announced an extension up to the 31st December, 1934. The question whether the duration of the Assembly should be further extended beyond that date required and received my anxious consideration, and I finally reached the conclusion, the propriety of which has, I am glad to believe, been very generally recognised, that in all the circumstances of the case no further extension should be granted.

I am sure that you would wish, and here I can speak with all sincerity on behalf of my Honourable Colleagues, that I should express to the two Presidents my grateful thanks for the fairness and judgment with which they have guided the discussions in both Chambers and have secured the trust and confidence of every Hon'ble Member.

It is my custom on this occasion to give a general survey of the work done during the past year and of the economic and political condition of our country at the present time, and further to tell you as far as I can the outlook for the future.

In the sphere of Foreign Affairs I am glad to state the India's relations with her neighbours continue to be uniformly satisfactory. On the frontier between Burma and China incidents occurred last spring threatening a disturbance of the peace among the partially administered tribes, which in that area separate the Province of Burma from the Chinese Province of Yunnán. The international frontier in that area has never been demarcated and this circumstance

[His Excellency the Viceroy.]

coupled with the fact that there are no maps which have been accepted by both Governments as accurate, encouraged certain irresponsible persons to engage in hostile activities against the Burma Military Police, although the latter had scrupulously refrained from penetrating beyond the line claimed by the Chinese Government. That force effectively demonstrated their ability to deal with these marauders and no operations have been necessary during the last few weeks. Efforts are being made by His Majesty's Representative in China to establish, in agreement with the Chinese Government, certain principles upon which it will be possible to demarcate the international frontier and thus to find a solution for a long-standing disagreement. Events in Chinese Turkistan have caused my Government some anxiety, since as the result of a serious revolt against Chinese authority in Kashgar and the neighbourhood, security of life and property were for some time gravely endangered. I regret to say that some loss of life and property were caused to peaceful Indian traders in spite of the unremitting efforts of His Majesty's Consul-General to secure their protection. On one occasion His Majesty's Consulate at Kashgar was attacked by Tungán rebels, and it was only the gallant defence offered by the British and Indian *personnel* which saved the Consulate from more than a few casualties. The Chinese Government have expressed their deep regret for this occurrence and have also officially acknowledged the correctness of the Consul-General's attitude of strict neutrality towards the various factions which have from time to time secured control over this area. The latest news received is much more reassuring in that the Chinese forces together with a Pacification Commissioner entrusted with the task of restoring law and order have now reached Kashgar and are engaged in re-establishing Chinese authority. Some embarrassment has also been caused by the influx of refugees from Russia and from Chinese Turkistan who were able to enter India *via* Gilgit before they could be intercepted. These persons were for the most part completely destitute and were frequently accompanied by women and children, whose re-expulsion across the inhospitable mountains of Central Asia was repugnant to humanitarian principles. It is however obvious that the comparative security of conditions in India might encourage this influx to a dangerous extent and steps are therefore being taken to check it at the frontier, and it is also hoped to arrange for the disposal of a number of the refugees already in India by despatching them to other parts of the world.

Our neighbourly relations with Afghanistan have not been threatened by any untoward incidents on the frontier in recent months, and it is hoped to secure increased trade between the two countries as the result of the recent visit of a Trade Delegation to Kabul in April last. This Delegation consisted of Mr. W. W. Nind as Leader and Lala Shri Ram, Merchant of Delhi, and Khan Bahadur Syed Maratib Ali of Lahore as Members, and was sent to Afghanistan to examine, in consultation with informed opinion in that country, the directions in which it might be possible to foster and expand the mutual trade between India and Afghanistan. The report submitted by this Delegation is still under consideration, but it is gratifying to observe the interest taken by Indian

merchants and traders in the Commercial Exhibition which is now taking place in that city.

The North-West Frontier has remained uniformly peaceful during the last eight months except for the various unimportant disputes between sections of the tribes and a few small encounters between Government forces and hostile individuals, which have always been a feature of frontier administration. I need not say that cordial relations, as ever, continue to be maintained with our ancient Ally, the Kingdom of Nepal. As a fitting culmination of the long-standing friendship that we have enjoyed with that country, His Majesty the King Emperor has been pleased to raise the status of the British Envoy to that of Envoy Extraordinary and Minister Plenipotentiary at the Nepalese Court, and also to receive a Minister of corresponding rank from the Kingdom of Nepal at the Court of St. James in London.

A great figure on the stage of Asia passed away with the death of His Holiness the Dalai Lama of Tibet on December 17th, 1933. The late Dalai Lama, the thirteenth of his line, had always remained on terms of amity with my Government and the Regent who has been appointed in his place pending the reincarnation of the Dalai Lama continues to act in the spirit of the Ruler of Tibet.

Lastly, I am glad to take this opportunity of acknowledging the keen and effective interest which Members of this Assembly have always taken in the welfare of Indian traders and settlers in foreign countries. There has been more than one case recently in which a foreign country has attempted to enforce, particularly in its colonies, what appeared to us to be unwarranted restrictions upon such Indian traders, who have by their enterprise and commercial ability contributed largely to the wealth and prosperity of the place concerned. My Government have in every case protested vigorously through His Majesty's Government against such proceedings and, if, as has happened in more than one case, their protests have been successful, this is very largely due to the hearty support they have received from Indian public opinion as represented by the Honourable Members of this House.

In connection with external commercial relations I would recall to your minds that when I last addressed you I mentioned the circumstances leading to the denunciation of the Anglo-Japanese Commercial Convention of 1905 and the passing of the Safeguarding of Industries Act, 1933. Applications for assistance under the Act were received from a number of small Indian Industries. These were carefully examined, but eventually Government decided that it would be undesirable to use the Act, since such a step would have prejudiced the negotiations for a commercial agreement with Japan which had then started. At the same time the needs of these industries were met, where necessary, in another manner. This was by the imposition of minimum specific duties on the articles concerned. The imposition of these duties was secured by *ad hoc* legislation,—the Indian Tariff Amendment Act, 1934,—and in fixing the level of these duties, which were applicable to the imports from all foreign countries, due consideration was given to the necessity of adequately safeguarding the Indian industry concerned, while avoiding, as far as possible, any increase in the *ad valorem* incidence of the duties on goods the competition from which did not constitute a danger to Indian industries.

[His Excellency the Viceroy.]

The question of the grant of substantive protection to the Cotton Textile Industry in India, which was the subject of a Tariff Board enquiry in 1932, came up for your consideration in the last Delhi Session. I need not refer to the details of the legislative measure with which you were then concerned except to point out that for the second time statutory effect has been given to a rapprochement between the representatives of an Indian and a British Industry. My Government and I attach the highest importance to the creation of closer ties between the industralists in India and in the United Kindgom and, consonant with the interests of the country as a whole, we shall always be prepared to consider sympathetically any agreement intended to promote the mutual interests of the parties concerned.

In accordance with the undertaking given when the Ottawa Trade Agreement was under consideration, an exhaustive report of the first year's working of the scheme of mutual preferences has been prepared and is now in your hands. I understand that this report is now under consideration by Committees of both Houses of the Legislature, and I shall not therefore comment further upon it.

When the Indian Delegation led by Sir Atul Chatterjee was at Ottawa certain tentative approaches were made by representatives of other countries within the Commonwealth with a view to the conclusion of further trade agreements. The Irish Free State has followed up their preliminary proposals and formal negotiations between India and the Free State were initiated in May last. These negotiations, at which Sir B. N. Mitra and Sir George Rainy represented India, have not yet been concluded.

During the course of my address to you in August last year I made a brief reference to the denunciation of the Anglo-Japanese Commercial Convention of 1905, and the negotiations for a fresh Commercial Agreement with Japan. As you are aware, these negotiations commenced in Simla on the 23rd Sepetember 1933, and after lengthy discussions agreement was reached between the Indian and the Japanese Delegations in January, 1934. The agreement of views thus reached was embodied in a Convention and Protocol, the agreed drafts of which were initialled by the two delegations on the 19th April, 1934, and finally signed, on behalf of India and Japan, in London on the 12th July, 1934.

The Convention, and with it the Protocol, are to come into force immediately after the exchange of ratifications and will remain in force until the 31st March 1937. The provisions in the Protocol relating to the restriction of the imports of cotton piece-goods from Japan have, however, been given effect to with effect from the 8th January, 1934, from which date the Government of India reduced the import duty on Japanese cotton piece-goods to the level of that provided for in the Agreement.

The Agreement, while ensuring the continuance of the long-established trade connections between the two countries on a basis satisfactory to both, safeguards also the legitimate interests of the Cotton Textile Industry in India and at the same time secures a stable market for a substantial portion of the exportable surplus of raw cotton produced in India. This, at a time of acute agricultural distress, should prove invaluable to the cotton growers in India who have been so seriously affected by the world depression.

You will remember that in 1930 the Government of India, with the approval of the Secretary of State for India, sanctioned a scheme for the appointment of Indian Trade Commissioners in certain foreign countries with a view to promote the export trade of India with those countries. In addition to the existing appointment of Indian Trade Commissioner, London, the scheme provided for six appointments, one each at Hamburg, Milan, New York, Alexandria, Durban and Mombassa. The office at Hamburg was opened in March, 1931, and an officer for the Milan post was selected on the recommendation of the Public Service Commission. Further progress with the scheme was held in abeyance on grounds of financial stringency, the officer selected for the post of Indian Trade Commissioner at Milan being retained in the Commercial Intelligence and Statistics Department for a period of training. Among plans for the encouragement of the economic development of the country my Government have, however, now decided to resume the programme for the appointment of Indian Trade Commissioners in foreign countries. As a first step in that direction, it has been decided to open the office of the Indian Trade Commissioner in Italy as soon as possible, and with this object Mr. M. R. Ahuja, who was selected for the post in 1931, has been sent to London for a short period of training in the Trade Department of the High Commissioner's Office before taking charge of his new appointment in Italy. The question of the appointment of Indian Trade Commissioners at other places will receive the early consideration of the Government of India.

Whilst still on the subject of affairs which involve contact with the outer world, there are two further matters of interest relating to Indians overseas to which I wish briefly to allude. I refer, in the first place, to the Report of the Colonisation Enquiry Committee, appointed by the Government of the Union of South Africa, which was published both in South Africa and in this country early in July. The Government have been closely studying the reactions of public opinion in this country to the recommendations of the Committee. They have also ascertained the views on the Report of the Standing Emigration Committee of the two Houses of the Indian Legislature. They hope to be able, shortly, to address the Government of the Union of South Africa on this matter. In formulating their conclusions it will be their endeavour to serve the best interests of the Indian community in South Africa.

The second event, to which Honourable Members will expect some reference, is the situation which has arisen in Zanzibar as the result of recent legislation. My Government had no previous intimation that such legislation was contemplated, and the time available between its introduction and enactment was inadequate for the effects of the various decrees on Indian interests in Zanzibar to be adequately studied and represented. Therefore early this month we deputed an officer to Zanzibar to make investigations. On receipt of his report the Government of India will consider what further action they should take. Honourable Members may be satisfied that in this, as in other matters concerning the legitimate interests of Indian communities overseas, the Government of India will strive their utmost to uphold them.

[His Excellency the Viceroy.]

I now wish to recall to your mind the part that the Legislature has played in the sphere of Labour in continuing to participate in the policy which I and my Government have set before us of implementing the recommendations of the Royal Commission on Labour. In 1933 you passed an important measure which improved the benefits received by workmen under the Workmen's Compensation Act. In the course of this session a still more important advance has been registered by the new Factories Bill, the most important feature of which was the reduction in the hours of work in factories which work throughout the year from 60 to 54. I am gald to have this opportunity of expressing my appreciation of the helpful attitude of those of you who represent employers' interests towards this great amelioration in the condition of workers in organised industries. On the Industries side this Session has to its credit the very serviceable Petroleum Bill. You have now left to the Executive Government the important task of framing suitable rules under these two Acts. The helpful and enlightened spirit which has inspired the Legislature in passing them will, I have no doubt, beneficially affect their detailed administration.

During the current Session you have passed a measure designed to secure conditions of greater safety for an important section of the manual workers of this country. I refer to the Indian Dock Labourers Bill which, when it becomes law, will give effect in British India to the International Convention concerning the protection against accidents of workers employed in loading and unloading ships. The Bill empowers the Government of India to make regulations for the safety of such workers and to provide, through a system of proper inspection, for the enforcement of those regulations in accordance with standards internationally accepted and embodied in the International Convention, thus filling a gap in India's Labour legislation caused by the non-existence of any regulations which could be said to provide adequately for the safety of dock workers while engaged in their admittedly hazardous occupation. The Act which has now been placed on the Statute Book is still another earnest of India's desire to conform to the highest standards in her treatment of Labour.

Our progress in matters connected with industries has not been confined to legislation. At the Sixth Industries Conference which met shortly before this Session began my Government's proposals for the creation of a Central Bureau from which industrialists, particularly those interested in developing small industries, will be able to obtain such information and expert assistance as my Government in co-operation with the Governments of the Provinces can place at their disposal met with the unanimous support of the delegates present. I hope to see this organization come into being in the course of the next few months and, though it may seem that the beginning which is being made is a small one, I have great confidence that we are establishing an institution which will prove of real value in promoting the industrial development of this country. The Conference also made recommendations regarding the principles on which the grants my Government is making to assist the handloom-weaving and sericultural industries should be utilised. Those recommendations have been accepted in their entirety.

In the field of Civil Aviation there have recently been important developments. As our ground organization has become inadequate, it has been decided

to inaugurate a programme of development from loan funds. Accordingly we hope to equip the Karachi-Rangoon route and the Karachi-Madras route up to modern standards within the next few years, and we are prepared also to organise on similar lines the Calcutta-Bombay and the Karachi-Lahore routes, if these should be opened up shortly,—as it is much to be hoped they will be. You have just passed an Act—the Indian Aircraft Act of 1934—which will enable the Civil Aviation Directorate to control and encourage effectively this expanding activity.

I am also glad to announce that we expect to see a similar development in broadcasting in the near future. My Government have decided to proceed as quickly as possible with the erection of a large transmitting station in Delhi, which will broadcast entertainment in Urdu and English. This, we hope, will prove to be only the first step towards the establishment of a complete system of broadcasting covering the whole of India, under which the Provinces will have the benefit of an expression of their own culture in their own literary languages, with an added element of English programme matter.

Both Chambers of the Legislature adopted a Resolution last Session which will prolong the life of the Road Development Account. I trust this step will be of material assistance to the Provinces in the development of their road systems.

I take this opportunity to refer to a matter which is of particular interest to the commercial public. It has been decided to undertake a revision of the existing company and insurance laws in India at an early date. The law relating to companies is that contained in the Indian Companies Act, 1913. This Act is based on the English Companies Act, 1908, which has since been revised and replaced by the Companies Act of 1929. Certain proposals for the amendment of the existing legislation in India have been brought to the notice of the Government of India from time to time by Local Governments, commercial bodies and individuals, but it has always been thought more desirable to avoid piecemeal legislation and to await a suitable opportunity when a thorough overhaul of the Act could be undertaken. The need for early revision of the law has been more keenly felt recently as a result of the growing industrialisation of India and in particular, as is already known to you, there has of late been much criticism of the managing agency system. In the sphere of insurance law also the need for revised legislation is fully established. The rapid development of insurance business in the country during the past few years, not only in respect of the number of new companies formed but also in respect of the forms of insurance activities other than life, *e.g.*, fire, marine, motor and employers' liability insurance, has created new circumstances in which the existing law has been found to be inadequate. The Government of India have therefore arrived at the conclusion that both company and insurance law should be revised as soon as possible, and as an initial step it has been decided to appoint Mr. S. C. Sen, Solicitor, as an officer on Special Duty in the Department of Commerce of the Government of India to make a preliminary examination of the various proposals for amendment received from time to time and to indicate broadly the lines on which revised legislation should be undertaken.

To turn to the wide field of Agriculture, which is still to the masses of India their main source of livelihood and is therefore one of the primary concerns of

[His Excellency the Viceroy.]

Government. Hon'ble Members must be aware that the Provincial Economic Conference, which my Government had convened last April, reviewed the position of the agriculturist from the standpoint of rural credit as well as agricultural marketing and production. One of the conclusions reached by the Government of India, after consideration of the proceedings of the Conference, was that all possible steps should be taken to ascertain how far agricultural production in India was being scientifically co-ordinated and whether any action was desirable or feasible to make such co-ordination more efficient and more effective. My Government accordingly convened, with the ready co-operation of Local Governments, which I take this opportunity to acknowledge, a Conference of Provincial Directors of Agriculture, Land Revenue officers and non-official representatives from the various Provinces last June. This Conference reviewed exhaustively the position of all the prinicpal crops in India.

After a full consideration of all the relevant factors the Conference came to the satisfactory conclusion that crop planning in India had not proceeded on unscientific and haphazard lines, but had been well planned and had, on the whole, achieved its aim of helping the ryot to use his land to the best purpose. But in the prevailing welter of economic uncertainty the Conference, if I may say so, wisely held that machinery should be provided for the systematic and continuous study of problems relating to the cultivation of India's more important crops such as wheat and rice. To this end it recommended the establishment of appropriate *ad hoc* Committees. Honourable Members will doubtless be glad to know that this recommendation has been accepted by my Government. It is hoped that, by this means, periodical stock-taking of the position of our principal crops and of their prospects in the world's markets will be greatly facilitated. The value of continuous study and periodical review in this respect cannot be over-estimated. Adjustment of the agricultural activity of a country to changing conditions of demand is necessary for the prosperity of the agriculturist. Difficulties of such adjustment in a country of the size of India are evident. Adaptation to changing needs of the market will be impossible of accomplishment without the acquisition, and maintenance up-to-date, of all relevant information.

Another problem of even greater practical importance to the agriculturist is the marketing of his produce to the best advantage. This subject was also discussed in the Provincial Economic Conference, where there was general agreement that an intensive programme to develop marketing facilities for agricultural products offered the best immediate prospect of substantial results. The matter has been under close examination since the Economic Conference concluded. With the help of the Marketing Expert who recently joined the staff of the Imperial Council of Agricultural Research, a programme of work has been drawn up which, it is hoped, will very shortly be initiated. Experience gained elsewhere shows that the range of marketing activities must be wide. It must, for example, include the organisation of an efficient intelligence service in external markets regarding Indian products and the requirements of consumers both abroad and in this country. An efficient marketing organisation must also ensure the grading, sorting and bulking of the main staple products and the establishment and development of

regulated markets. In India the first task is the undertaking of market surveys for the purpose of ascertaining the data on which future developments can be planned. The intial step, therefore, will be to obtain and set out in detail the present system of marketing the more important commodities, such as wheat and rice, oilseeds, plantation and special crops, *e.g.*, tobacco and fruit, as also dairy products, in which term I include livestock.

This survey will be carried out not only in each of the Provinces separately, but will also deal with inter-Provincial, inter-State and foreign trade so as to provide an all-India picture of existing conditions and a common basis for future progress. The report on each survey will set out, in precise technical detail, definite suggestions regarding marketing organisation with a view to improving existing conditions in the interests of producers. The work connected with the execution of these surveys will be shared between the Central and Provincial marketing staffs, but it is the intention of my Government that, at least in the initial stages, the cost should be met from Central Revenues, so that the urgent task of ascertaining the data and formulating a co-ordinated plan of marketing organisation should not be delayed by reason of the inability of one or more Provinces to meet the cost of such investigations. The question as to how the cost of the various organisations and activities resulting from these surveys should be met will be one for future consideration on the basis of the benefits expected from the plans that may be adopted.

I should like also at this stage to make a brief reference to the financial position of our Railways. This, as you are aware, has not been all that could have been desired during the past two or three years, though in comparison with most other countries throughout the world we may be said to have escaped lightly. The situation this financial year shows much better prospects. Our earnings are better by over Rs. 1¾ crores than they were for the same period of last year. In the nature of things we may expect set-backs, but I am optimistic enough to think that these, if any, will be temporary, and that the increased prosperity of our Railways is at least an indication of a general revival of trade and commerce throughout the country.

As you are no doubt aware, I had the privilege of performing the formal opening ceremony on the 19th December last of the Vizagapatam Harbour. The development of the harbour has been proceeding steadily and with the improved facilities which it is the constant aim of the Administration to provide, it will, it is hoped, be possible in the not very distant future to open the harbour to vessels of much larger dimensions than can be accommodated at present. There has already been a substantial increase both in the number of steamers calling and in the quantity of cargo handled at the port and as improved facilities become available, it will, it is confidently hoped, attract an ever-growing volume of traffic in the future. Vizagapatam Harbour supplies a long-felt need for a safe anchorage for ocean-going traffic on the East Coast of India between Calcutta and Madras and should assist greatly in the development of a hinterland, rich in natural resources, by providing for its produce a convenient outlet to the markets of the world.

On the two last occasions on which I have addressed you I have expressed the belief that the march of events would gradually carry the leaders of the civil disobedience movement further and further away from the sterile methods

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of negation and obstruction. A year ago I claimed that the events of the last few months had fully borne out that belief; civil disobedience at that time maintained a precarious existence and there were signs that the popular judgment had already condemned it. During the whole of the last 12 months that feeling has grown and spread and finally in April last the author of this subversive movement, which was started in 1930 and renewed at the beginning of 1932, advised all Congressmen to suspend civil resistance for Swaraj as distinct from specific grievances. A little later this advice was confirmed by the Working Committee of Congress which, at the same time, adopted the constitutional policy, at one time regarded as wholly futile by many Congress leaders, of entering the Legislatures. I was myself away from India during the concluding stage of these events, but the policy announced by the Government of India on June 6th, 1934, had my full approval. That policy has been criticised in some quarters as half-hearted and ungenerous, but, as I said in my speech in this House in September 1932, we should be failing in our duty if we did not ensure to the best of our ability, not merely that civil disobedience was brought to an end, but that there should be no chance of reviving it. Thus, though the ban on purely Congress organisations was removed, we could not take the risk of allowing freedom to those more revolutionary organisations which were distinct from Congress, though working at one time more or less in close association with its objects. Still less could we give up the special powers which had been found necessary for dealing with the movement and which had been given to Local Governments, by the Acts of this Legislature or of the Provincial Legislatures. The curtain has thus fallen, I hope finally, on the civil disobedience movement and one of the objects of the policy which I indicated in September 1932 has been achieved. That happy result I do not attribute so much to the action taken by Government as to the sturdy good sense of the mass of the people of India whose representatives you are and whose opinions you reflect. They recognise that true progress cannot be secured by carrying on an unmeaning and futile struggle with constitutional authority or by revolutionary methods. There is now I think throughout the country a general recognition of the truth that the right road to progress is not through coercion or mass action; and it is because of this that I have the confident hope that civil disobedience will not or cannot be revived. The problems before us, social, economic and political, are many, but a solution can be found to these difficult problems if all classes of political thought in the country devote themselves to the task in a spirit of friendly co-operation.

Once again I can chronicle a further improvement in the terrorist situation in Bengal, but incidents such as the dastardly attack on His Excellency Sir John Anderson show that the terrorist organisation, though on the whole greatly weakened, is still strong in some places, and that we are not free from the danger of isolated outrages whether they take the form of attacks on Government officers or of equally cowardly attacks on persons wholly unconnected with Government with the object of obtaining funds to keep the movement alive. But that attack on Sir John Anderson, providentially wholly unsuccessful, undoubtedly had the effect of rousing public opinion against terrorism

as perhaps nothing else could have done and called forth from all sides condemnation of the cult of assassination. In fact the most satisfactory feature of the last few months has been that there are distinct signs that a definite stand against terrorism would be welcomed in many quarters where in the past it might have been regarded as anti-national. The Provincial Councils of Bengal and of Assam have passed by large majorities the legislation which the Local Governments considered necessary for dealing with this evil, and you, gentlemen of the Central Legislature, have also accepted the legislation which we had to put before you to supplement the local Acts. But outside the Legislature also public opinion is strengthening, and I trust that the appeal recently issued by leaders of all shades of opinion in Bengal and the Conference which they are summoning will result in practical steps being taken to create a healthier atmosphere in Bengal and to prevent the youth of the Province from being contaminated with these dangerous ideas. In this they will, I know, receive all possible support from His Excellency Sir John Anderson and his Government, who recognise that legislation and police action will not by themselves eradicate this hideous evil; public opinion alone can do that, and I am glad to see that so many of those in a position to guide that opinion in Bengal have now realised their responsibilities and have come forward openly with constructive suggestions for the protection of the youth of their Province from the insidious approaches of the terrorists by providing them with wider opportunities of useful service for their country.

Next year we shall be celebrating the 25th Anniversary of the accession to the throne of His Majesty the King Emperor, and I have received and accepted an invitation from His Majesty's Government to send certain official representatives from India to join in the celebrations in London.

My Government are now in communication with Local Governments and Rulers of Indian States as to the best and most fitting manner in which this auspicious occasion should be recognised in India. The King Emperor has been pleased to intimate that it is His Majesty's desire that celebrations should be on a local basis and that His Majesty's subjects should, wherever practicable, have the opportunity of observing the occasion near their homes. It is His Majesty's express wish also that celebrations should be as simple as possible and that all undue expenditure should be avoided. I feel sure that, when the time comes, the Princes and people of India will loyally comply with His Majesty's wishes and at the same time join with their fellow-citizens throughout the length and breadth of the British Empire in celebrating the Silver Jubilee of our beloved Sovereign's reign.

I think you may expect me to give you some account of the impressions I have brought back here, as a result of my two months' visit to England, and of the general atmosphere towards the Reforms Scheme which has been under consideration for some years and is now reaching its final stages.

It will, I am sure, be obvious to you all, knowing Parliamentary procedure as you do, that it would not be possible for me to forecast information as to what recommendations the Report of the Joint Select Committee of Parliament is likely to contain. Nor again can I set your minds at rest as to the date of publication of the Report, for no final decision had been reached on that point when I left. As you know the Committee has dispersed for the summer recess, but will re-assemble early in October in order to carry its work to completion before Parliament is prorogued.

[His Excellency the Viceroy.]

During my short stay at Home I had many opportunities of meeting and having discussions with all sorts and conditions of people, with Members of both Houses of Parliament, with those interested in trade and commerce and business in India, and with many others, both men and women, who for one reason or another were keenly interested in Indian affairs. The general impression I have brought back with me is that the feeling amongst my countrymen in England is full of good will and sympathy for the natural aspirations of Indians in regard to political advance. A deep sense of the responsibility was moreover evident on all sides in the general anxiety to obtain first-hand information from those of us who have had the most recent experience of the affairs and conditions in this country. I should like to add that I come back with feelings of the keenest appreciation, which I am sure will be shared by every Member of both our Legislative Chambers and by the public outside, of the untiring labours which the Members of the Joint Select Committee have freely and readily given during the past 15 months to secure a proper solution of the great problem of Indian Reform.

One assurance I can confidently give you. When the New Constitution Bill is passed into Law, you may rely on my efforts to ensure that no time will be lost in carrying into effect as expeditiously as possible the intentions of Parliament as expressed in the Act.

I have spoken of the responsiblity of my countrymen at this present juncture, but we who live and work here and who have position and influence in the public life of this country have a great responsibility too. During the coming months it will be our duty to guide public opinion in the highest interests of all classes of our people. Let us put aside all racial feelings if such still exist, let us believe in each other's sincerity of purpose to continue working towards the fulfilment of our cherished hopes for the welfare and advancement of this country.

I would ask you to look around the world at the present time, and amid all the troubles, anxieties and possible dangers that we see in many countries and in diverse lands, we can proudly feel that within the territories of the British Empire conditions are both sound and stable, and that we are slowly and steadily recovering from the world depression which has so seriously affected us all.

For the great part of my public life I have served the British Empire in its outward parts, and far the greatest number of years of that life have been spent in this country which I have always looked upon as my second Empire home. During that life I have become more and more convinced that it is by the influence and example of the friendship and close co-operation within our Empire that we shall more and more exercise an influence in securing peace and good-will in what is now a very distracted and unsettled world.

With this in my mind let my last word to Honourable Members at the close of this Parliament be a heartfelt prayer that as our two races by fate or destiny were brought together long years ago to work for the development and prosperity of India, so in the future, and particularly in the critical days that lie before us Providence should guide us still to secure the fulfilment of those political hopes and aspirations which many of us have striven for many years.

COUNCIL OF STATE.

Saturday, 1st September, 1934.

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

QUESTIONS AND ANSWERS.

DETENUS IN THE DEOLI CAMP JAIL.

148. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the condition of health of detenus Basanta Kumar Roy, Subodh Chandra Mukherjee, Rakhal Chandra Dutt and Subodh C. Mullick, all of Dacca, now confined in the Deoli Detention Camp ?

(*b*) Will Government be pleased to state the reason or reasons for the silence of these detenus for over a month and a half or thereabout, during the months of June and July, 1934, although their parents, relatives and guardians wrote several letters to them ?

(*c*) Was any one of them ill during that period ? If so, who and what was the nature of the disease and how long was he confined to bed ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) Detenu Rakhal Chandra Dutt is not confined in the Deoli Camp Jail. The other detenus mentioned are in good health.

(*b*) The detenus stopped sending letters as a protest against an order under which they are required to attach slips to their correspondence giving the full names, addresses and relationship of the addressee.

(*c*) The answer to the first part is in the negative. The second part does not arise.

DETENUS IN THE DEOLI CAMP JAIL.

149. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state if the Commandant, Deoli Detention Camp, received a wire from Babu Janendra Kumar Roy of Dacca, the father of detenu Basanta Kumar Roy of camp III of the said Detention Camp on 26th June last requesting the Commandant to write to the father of the detenu immediately how the detenu was doing ? If so, why was not that wire replied to in writing and the request of the detenu's father not complied with by the Commandant ?

(*b*) Will Government be pleased to state whether instructions have been issued by them to the Commandant, Deoli Detention Camp, to inform the parents and guardians of the detenus confined there of the condition of their health whenever asked for, even by "*Bearing letters*" in the cases where the

poor parents and guardians of the detenus can not afford to pay the " pre paid " telegram charges ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) Yes, a telegram was received from the father of detenu Basanta Kumar Roy which was replied to in due course by the Superintendent of the Deoli Camp Jail, when the detenu on being asked to write to his father did not do so.

(*b*) Enquiries from parents concerning the health of detenus are answered by the Commandant by registered post and the cost of the postage is debited to the personal account of the detenu concerned. In cases of serious illness near relatives are invariably informed both direct and through the district magistrate of the district in which they reside.

DETENUS IN THE DEOLI CAMP JAIL.

150. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) How many separate camps are there in the main Detention Camp at Deoli ? (*i*) Is there any division of classes among the detenus ? (*ii*) If so, how many of them are getting first class treatment and how many are getting second and third class treatment ?

(*b*) Is it a fact that the pocket allowance of Rs. 15 (fifteen) only per month to the detenus of camp II has been cut down to Rs. 10 (ten) only per month ? If so, why, and with effect from what date ?

(*c*) Have Government received any application or applications from any or some of the detenus of the said camp protesting against this reduction of the pocket allowance ? If so, what action has been taken in the matter ?

(*d*) Is it a fact that as a protest against the reduction of pocket allowance the detenus in No. III camp went on hunger-strike for some days ?

(*e*) If so, will Government be pleased to make a detailed statement on the subject ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) There are five separate camps in the Deoli Jail. There is no division of classes among the detenus.

(*b*) The personal allowance of the detenus in the Deoli Camp Jail was reduced from Rs. 16 to Rs. 11 a month from the 1st August, 1934, following a similar reduction in the case of detenus confined in Bengal.

(*c*) A joint representation on behalf of all detenus protesting against the reduction was sent by the Chief Commissioner, Ajmer-Merwara, to the Government of Bengal on the 16th August.

(*d*) No.

(*e*) Does not arise.

DETENUS IN THE DEOLI CAMP JAIL.

151. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) What is the present condition of health of detenu Barindra Roy, son of Babu Rajendra Roy, Pleader of Dacca ? Was he of late suffering from any disease of the stomach ?

(*b*) If so, how long did he suffer and were his parents informed of their son's ailment ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) Detenu Barindra Chandra Roy has been under medical treatment for nearly three months for vague abdominal symptoms and loss of weight. He has been twice x-rayed but no organic disease has been found. Orders have recently issued for his re-transfer to Bengal.

(*b*) The Superintendent has written to his father on two occasions informing him of his son's condition.

DETENUS IN THE DEOLI CAMP JAIL.

152. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) What is the present condition of health of detenu Sachish Chandra Sarkar of Gandaria, Dacca ?

(*b*) Is it a fact that he had of late an attack of appendicitis ? If so, was there any operation of his appendicitis ?

(*c*) Was any of his relatives allowed to remain by his bedside at the time of the operation ?

(*d*) When were his relatives informed of his illness ?

(*e*) What is the present weight of detenu Sachish Chandra Sarkar ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) He is in good health.

(*b*) He had a mild attack of appendicular pain on the 21st April, 1934. No operation was deemed necessary.

(*c*) Does not arise.

(*d*) On the 22nd April, 1934, by telegram.

(*e*) His present weight is 154 lbs. as against 152 lbs. on his arrival at Deoli.

It will be seen from the replies which I have given to the Honourable Member's series of questions that there is no foundation for the suggestion that the prisoners are ill. As has been mentioned in the replies I have given, information is given to the near relatives both direct and through the district magistrate in the case of serious illness, and in other cases if enquiries are made from the Superintendent. I venture to suggest that it would be more suitable if the Honourable Member would enquire from me personally instead of asking these questions in the Council as they tend to create a false impression in certain quarters.

NUMBER OF DETENUS IN THE DEOLI CAMP JAIL.

153. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) What is the total number of detenus at present confined in the Deoli Detention Camp ? (*i*) Are they all Bengalis ? (*ii*) Are there any non-Bengali detenus also at the Deoli Detention Camp ? If so, how many ?

(*b*) Is it a fact that a detention camp is being erected at Nasik for accommodating a number of Bengali detenus ? If so, at what cost ? Will the Central Government or the Government of Bombay bear the cost ?

(*c*) Will Government be pleased to state the reasons for erecting a detention camp at Nasik ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) There are at present 496 detenus in the Deoli Camp Jail all of whom are Bengalis.

(*b*) No.

(*c*) Does not arise.

SUPPLY OF COPIES OF THE WHITE PAPER TO THE DETENUS AT THE DEOLI CAMP JAIL.

154. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Have Government ever tried to gauge and ascertain the views of prominent detenus at Deoli by presenting them with or allowing them to read the White Paper proposals on the coming Indian Constitutional Reforms ?

(*b*) Are Government considering the question of the wholesale release of detenus in the near future ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) No.

(*b*) The detenus have been detained because Government are satisfied that their release would strengthen the terrorist movement and so long as those conditions exist there can be no question at all of their release.

BAN ON THE RED SHIRTS ORGANIZATION IN THE NORTH-WEST FRONTIER PROVINCE AND THE RELEASE OF KHAN ABDUL GHAFFAR KHAN.

155. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Are Government aware that the " Red Shirts " or " Khudai Khidmatgars " (the servants of God) in the North-West Frontier Province are a part of the Congress movement ? If so, why has the ban on the " Red Shirts " not yet been lifted ?

(*b*) Do Government propose to release Khan Abdul Ghaffar Khan, popularly known as the " Frontier Gandhi "?

THE HONOURABLE MR. M. G. HALLETT : (*a*) I would refer the Honourable Member to the answer given by me in this House on the 8th August, 1934, to the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 11 and to the supplementary questions asked in connection therewith.

(*b*) Khan Abdul Ghaffar Khan has been released from Hazaribagh Jail. He will not however be allowed to enter the Punjab or the North-West Frontier Province.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : A supplementary question, Sir. Are Government aware that the said Frontier Gandhi is proposing to pay a visit to Santiniketan in Bengal ? If so, for what purpose ?

THE HONOURABLE THE PRESIDENT : What connection has it with your question and the Honourable Member's reply ? I can not allow it. Will you proceed further ?

RETURN OF CONGRESS PROPERTY SEIZED BY GOVERNMENT.

156. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : How many Congress libraries, buildings, etc., in India, forfeited by Ordinances have been restored to the Congress since the lifting of the ban on the Congress and the abandonment of the civil disobedience movement ? Will Government be pleased to state their number, province by province ?

THE HONOURABLE MR. M. G. HALLETT : I have some difficulty in appreciating what information the Honourable Member requires. Under the Indian Criminal Law Amendment Act, 1908, as amended by Act XXIII of 1932, immoveable property such as buildings notified under section 17A is not forfeited to Government but is returned when the notifications cease to be in force, that is to say, when the notification declaring the association to which the building belongs to be unlawful is cancelled. Moveable property may have been forfeited to Government under the provisions of section 17B of that Act and, if so forfeited, is not restored.

AMANAT WASIKAS.

157. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (*a*) Is it a fact that the Amanat Wasikas are trust and their proprietory rights vest in the (beneficiaries) Wasikadars and not in Government ?

(*b*) Is it a fact that Her Highness the Bahu Begum's minister, Raja Darab Ali Khan, delivered a property worth ninety-nine lakhs, forty-eight thousand and nine hundred and sixteen rupees consisting of sixty-five lakhs of rupees in cash and the remainder in jewels ?

(*c*) Is it a fact that just after the Mutiny in Oudh the Judicial Committee presided over by the Judicial Commissioner and advised by the Advocate General decided that Government was responsible for the whole of ninety-nine lakhs, forty-eight thousand and nine hundred and sixteen rupees and that the Government of India concurred with its findings ?

(*d*) Is it a fact that the interest accruing thereof was meant as pension for beneficiaries, *i.e.*, grantees and to their heirs and successors, " Shanwa Warshanshan " as given in Aitchison's Treaties, Oudh number ?

(*e*) Is it a fact that there is no provision for the exclusion of collateral heirs in the absence of lineal heirs in the original deed of trust as given in Aitchison's Treaties ?

(*f*) Is it a fact that Government guaranteed the above said provision most solemnly ?

(*g*) Is it a fact that Darab Ali Khan was appointed executor for carrying out the wishes of Her Highness the Bahu Begum and that he was empowered with *special powers* which ran thus : " Whose recommendations and suggestions *shall* be received and attended to ", as given in Aitchison's Treaties ?

(*h*) Is it a fact that Raja Darab Ali Khan, originally a Hindu, is described in the original deed of trust as Her Highness' trusted servant, a public officer and faithful minister in the pages of Aitchison's Treaties ?

RAJA DARAB ALI KHAN.

158. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it fact that Darab Ali Khan left a will in favour of his real brother Raja Bodh Singh making him his heir and successor to all his property including his Wasika of four thousand rupees per month with a recommendation to the then Resident, General Monkton, dated the 7th Shawal 1233 A. H. for continuance of his Wasika to his brother ?

(*b*) Is it a fact that only a part of the Wasika of Darab Ali Khan amounting to a sum of five hundred rupees per month was issued to his brother for generation after generation ?

(*c*) Is it a fact that the hereditary nature of the Wasika of Raja Bodh Singh was confirmed by the re-grant of 28th July, 1841, by Colonel John Lowe, the then Resident ?

(*d*) Is it a fact that in 1871 under G. O. 1614 the Wasika of Raja Bodh Singh was held hereditary ?

(*e* Is it a fact that on the alleged re-examination of the case of Bodh Singh's family no information was given to the family and that it had no opportunity to defend its rights and rebut the allegations and to produce *sanads* ?

(*f*) Is it a fact that the case was referred to in Sadik Ali Khan's case ?

RAJA BODH SINGH.

159. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that the reply given by the Secretary, Foreign and Political Department of the Government of India to letter No. 2532 of the Chief Commissioner of Oudh, November, 1874, in Sadik Ali Khan's case with reference to Bodh Singh's family runs thus :—" The Bodh Singh's family's case is a special one. They have re-grant. Their case will be governed by the terms of the re grant. If there is nothing to show in the terms of re grant to be hereditary their Wasika will also be resumed ".

(*b*) Do Government know of the re-grant ?

(*c*) Will Government be pleased to lay a copy of the re-grant on the table ?

RAJA DARAB ALI KHAN.

160. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is Government aware of the double nature of the pension of Darab Ali Khan as given in Aitchison's Treaties, etc., which, runs thus :—" To Darab Ali Khan who has served me most faithfully and obediently to my entire satisfaction, the Tuppeh of Rokha, in my original jagir of Salone in jagir or an allowance in money per mensem of Rs. 4,000 ".

(*b*) Is it a fact that the income of Tuppeh of Rokha exceeds over a lakh per year ?

THE HONOURABLE MR. R. E. L. WINGATE: With your permission, Sir, I will answer questions Nos. 157 to 160 together. The information is being collected and will be communicated to the Honourable Member in due course.

PRIVATE SECRETARY TO THE VICEROY'S PRESS.

161. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: 1. Is it a fact that the administrative posts of the superintendent, clerk and section-holder are held by Muhammadans in the Private Secretary to the Viceroy's Press ? Why did none of these go to either Hindus or Sikhs ?

2. (*a*) Is it a fact that the present Superintendent and the Press clerk were recruited from the Government of India Press, Simla ? If so, why ?

(*b*) Do Government propose to appoint a Hindu to one of these responsible posts in the next first vacancy ?

THE HONOURABLE MR. D. G. MITCHELL: 1. and 2. (*a*) Out of the three posts mentioned, that of the Superintendent of the Press only is an administrative post. The present incumbent was selected in 1930, as he was considered to be the best out of the candidates for the post. The section holder was promoted to his present post in 1933, in view of his seniority, and the clerk was recruited from the Simla Press as he possessed the requisite qualifications and experience. All the incumbents of the three posts happen to be Muslims.

2. (*b*) The point raised by the Honourable Member will be given due consideration when a vacancy occurs but a decision in the matter will depend on the position, requirements and circumstances prevailing at the time the vacancy is to be filled.

PRIVATE SECRETARY TO THE VICEROY'S PRESS.

162. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that one Taj Muhammad is at present serving as a compositor in the Private Secretary to the Viceroy's Press ? Was he detected by Captain Dring, the late Assistant Private Secretary to His Excellency the Viceroy opening a private shop in Government House ?

(*b*) Is it a fact that Captain Dring reported this fact to the present Superintendent of the Press ?

(*c*) Is it a fact that the said shop was put up for auction in the Press under the order of the late Assistant Private Secretary to His Excellency the Viceroy and was purchased by one of the press employees ?

(*d*) Was the maintenance of such a shop in the office by a Government servant against the Government Servants' Conduct Rules ? If so, what punishment was Taj Muhammad awarded by the Private Secretary to the Viceroy's Office ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) to (*d*). The answer to the first portion of part (*a*) is in the affirmative. As regards the other parts I have no information.

PRIVATE SECRETARY TO THE VICEROY'S PRESS.

163. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that two years ago one Mansur Muhammad of the

Private Secretary to the Viceroy's Press went on leave for a short period ? Did he extend his leave upon medical certificate granted by a retired Government doctor ?

(*b*) Was Manzur Muhammad ordered to produce a medical certificate from the Civil Surgeon, Agra ? Did he produce the certificate ?

(*c*) Did not the Superintendent of the Private Secretary to the Viceroy's Press accept the Civil Surgeon's certificate and after Manzur Muhammad's return from leave ordered him to appear before the Household Surgeon for further examination ? Was Manzur Muhammad examined for three consecutive days in the hospital and found sick ?

(*d*) If the answers are in the affirmative, why did not the said Superintendent accept the Civil Surgeon's certificate and why was the said Manzur Muhammad further examined for three consecutive days in the hospital ?

THE HONOURABLE MR. D. G. MITCHELL : (*a*) Yes.

(*b*) Mr. Manzur Muhammad applied for a second extension of leave and was asked to produce a medical certificate from the Civil Surgeon, Agra, which he did.

(*c*) The certificate was accepted. On return from medical leave Mr. Manzur Muhammad was required, under the rules, to submit a fitness certificate and he was sent to the Viceregal Surgeon for examination. He attended the dispensary for three days under the orders of the Surgeon at the end of which he was reported fit for rejoining duty.

(*d*) Does not arise.

PRIVATE SECRETARY TO THE VICEROY'S PRESS.

164. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Is it a fact that the late Assistant Private Secretary to His Excellency the Viceroy Captain Dring, condemned Fazal Muhammad for the compositor's post ? Is it a fact that after Captain Dring left this office the Press Superintendent arranged to appoint Fazal Muhammad again ?

THE HONOURABLE MR. D. G. MITCHELL : No.

EXTENSIONS TO GOVERNMENT SERVANTS' IN THE OFFICES OF THE MILITARY SECRETARY TO THE VICEROY AND THE COMPTROLLER, VICEREGAL HOUSEHOLD, AND IN THE PRIVATE SECRETARY TO THE VICEROY'S PRESS.

165. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (*a*) Will Government kindly place on the table the establishment list of the Offices of Military Secretary to the Viceroy, Comptroller and Private Secretary to the Viceroy's Press showing the names of the staff with their respective amount of services ?

(*b*) Is it a fact that Government intend to grant certain Government servants in these offices who have completed their services further extensions ? If the answer is in the negative, when will these Government servants retire and their places be filled by others ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) I regret that a copy of the establishment list cannot be placed on the table, as such compilations are intended for departmental use only.

(*b*) I invite the attention of the Honourable Member to rule 56 of the Fundamental Rules, which is to the effect that ministerial officers should ordinarily be retained in service till the age of 60 years, if efficient. The provisions of this rule are strictly followed in the offices in question.

TECHNICAL POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ITS ATTACHED OFFICES.

166. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (*a*) Is it a fact that during 1930-32 a few technical posts were created in the Government of India Secretariat and Attached Offices ? If so, were these posts filled up either through the Public Service Commission or direct by the Departments ?

(*b*) Will Government kindly place on the table a statement showing the names of such candidates—both qualified and non-qualified—with their respective qualifications for giving them preferences ?

(*c*) Are these posts still in existence or were these retrenched in the retrenchment scheme of 1931-32 ? If abolished, were the retrenched candidates subsequently re-employed in their ex-departments on the next immediate vacancy under the order of the Home Department to give first preference to the retrenched hands ? If so, how many and where ? If not, how many yet remain unprovided and why ?

(*d*) Is it a fact that some unqualified candidates were recruited on technical grounds direct by the departments on the clear understanding that they would be made permanent and confirmed when their probationary period for six months expired ? If so which are those departments ? Were such candidates made permanent ? If not, why ? Why were they not sent back to their respective offices to maintain their jobs ?

(*e*) Is it a fact that they lost jobs in both offices and that they are still left unemployed ?

(*f*) Is it a fact that the Public Service Commission registers the names only of those candidates who were recruited through them and not of those candidates who were recruited by the departments direct on technical grounds and were not regularly qualified ? If so, why ?

THE HONOURABLE MR. M. G. HALLETT : (*a*), (*b*) and (*c*). I lay on the table a statement giving the information desired. As will be seen therefrom, the latter portions of part (*c*) do not arise.

(*d*) The reply to the first part is in the negative, and the other parts do not therefore arise.

(*e*) Does not arise in view of the reply to part (*d*).

(*f*) In addition to the list of persons recruited through the Public Service Commission, the Commission also maintain a list of qualified persons retrenched from offices which do not recruit through them.

Statement showing the names, etc., of candidates recruited to technical posts created in the Government of India Secretariat and its Attached Offices during the years 1930-32.

Name of Department of Office.	No. of technical posts.	Name of candidate appointed.	Designation of the post.	Whether qualified or unqualified.	Qualifications.	Whether still in existence or was abolished.	Manner in which the post was filled.
Imperial Council of Agricultural Research.	4	(1) Mr. Mohd. Shafi	Librarian ..	Unqualified..	B.A., LL.B. ..	Still in existence *	* The candidates were recruited through the Public Service Commission.
		(2) Mr. P. S. Sundaram.	Assistant-in-charge, Publication Section.	Do. ..	B.A., M.Sc.	Do.*	
		(3) Mr. M. Y. Burney.	Clerk, Publication Section.	Qualified ..	B. Sc.	Do.* ..	
		(4) Mr. V. Padmanabhan.	Do. ..	Unqualified..	B.A.	Do.† ..	† Was employed in the Publication Branch, Imperial Institute of Agricultural Research, Pusa, and was transferred to the Imperial Council of Agricultural Research consequent on the transfer of that Branch to the Imperial Council of Agricultural Research.
Legislative ..	3	(1) Mr. M. B. Ghose	Head of the Printing Branch.	Qualified ..	Expert proof reader with eight years' experience of the special requirements of the Department in regard to the reading of proofs of Bills, Regulations and Ordinances.	Do.‡ ..	‡A few of the existing posts the incumbents of which were required to possess special qualifications were removed from the ordinary cadre and classified as "special" posts. Vacancies which occurred in some of these posts after their conversion into 'special' posts were filled by the nominees of the Department with the concurrence of the Public Service Commission.
		(2) Mr. E. P. J. De Sousa.	Clerk, Solicitor's Branch.	Unpassed. ..	Special knowledge of the work in a Solicitor's Office, and 11 years' experience in the Office of the Solicitor to the Government of Bombay.	Do.‡ ..	
		(3) Mr. N. H. Ansari.	Translator ..	Do. ..	M. A. in Persian and B.T. and B.A. with Honours in Persian.	Do.‡ ..	
Education, Health and Lands.	4	Mr. Abdus Subhan	Assistant Librarian	Do. ..	B.A., F.L.A. Holds a diploma in Library Science and has had many years' experience of Library work.	Do.§ ..	§Recruited through the Public Service Commission. (*N.B.*—One post of Librarian and three of Assistant Librarian were converted into special posts in 1931 and were held by their former incumbents. A vacancy occurred in 1932 and was filled as indicated).
Director of Civil Aviation.	1	Mr. M. A. H. Chowdhury.	Commercial Accountant.	Do. ..	F.C.I. (Birm.), A.C.R.A. (Glasgow).	Not in existence.‖	‖ The post was created temporarily for the period 15th June, 1931 to 29th March, 1932 on which date the incumbent's services were terminated. The Public Service Commission were not consulted in filling the post.

PERCENTAGE OF ANGLO-INDIANS AND EUROPEANS ON THE STATE RAILWAYS.

167. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (1) Will Government be pleased to state the percentage of Anglo-Indians and Europeans to the total strength of staff on each of the State Railways?

(2) What is the percentage of grant given to the Anglo-Indian and European employees for the education of their children and recreation to the total grant given to the staff from the staff welfare funds on each State Railway?

THE HONOURABLE SIR GUTHRIE RUSSELL: (1) I would invite the Honourable Member's attention to Appendix "C," Volume II of the "Report by the Railway Board" for 1932-33 which contains the latest information available with Government.

(2) Government have no information. The rules do not lay down any definite proportion.

RAILWAY STAFF BENEFIT FUND ON STATE RAILWAYS.

168. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state whether it is the practice that grants from the staff welfare funds are distributed in proportion to the strength of each community on the muster roll of each State Railway or with a partiality to the lower paid staff? If not, why?

(*b*) Is Government aware that there is a widespread feeling amongst Indian railway employees that the public funds are administered only in the interest of the European and Anglo-Indian employees and are in the nature of subsidy to them?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) No. Payments from the Staff Benefit Fund are controlled by a committee under rule 3 of the Rules of the Railway Staff Benefit Fund for State-managed Railways, a copy of which is already in the Library of the House.

(*b*) No. The committee has power to expend money from the fund only on the objects laid down in rule 8 of the rules referred to above.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know the personnel of the committee that controls the fund?

THE HONOURABLE SIR GUTHRIE RUSSELL: The committee is elected or nominated from the railway staff. There are Indians on it and there are Europeans. I cannot tell you the exact number of Indians and Europeans.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Is there a majority of Indians?

THE HONOURABLE SIR GUTHRIE RUSSELL: I think there is a majority of Indians on most railways.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government make inquiries whether there is a majority in the committee or not?

THE HONOURABLE SIR GUTHRIE RUSSELL: No.

RAILWAY STAFF BENEFIT FUND ON STATE RAILWAYS.

169. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that all fines realised from the staff go into the staff benefit fund?

(*b*) Is it a fact that most of the fines are paid by Indian employees on the State Railways?

(*c*) If the answers to parts (*a*) and (*b*) are in the affirmative, will Government be pleased to state the reasons for not giving most of the benefit to the Indian staff?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Yes.

(*b*) As a very large majority of employees on State Railways are Indians, it is very likely that this is so.

(*c*) I do not know what reasons my Honourable friend has for assuming that this is not the case at present. The fund can be used only for the benefit of railway employees, and as I have already pointed out, a very large majority are Indians.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Government inquire if the major part is being spent on the Indian staff or not?

THE HONOURABLE SIR GUTHRIE RUSSELL: No, I do not think so.

IMPOSITION OF FINES ON STATE RAILWAYS.

170. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is it a fact that a policy is laid down by Government not to impose fines on the clerical and subordinate staff on State Railways? If so, how far is this policy followed in practice?

(*b*) Is Government aware that out-door clerical and subordinate staff is still being fined? If so, do Government propose to make necessary enquiries and abolish the practice?

IMPOSITION OF FINES ON STATE RAILWAYS.

171. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Is Government aware that the infliction of fines during the cut in salaries causes great hardship to the low paid clerical staff?

(*b*) Do Government propose to stop the practice till the cut is restored?

THE HONOURABLE SIR GUTHRIE RUSSELL: With your permission, Sir, I propose to reply to questions Nos. 170 and 171 together. The policy of the Railway Board in this matter was laid down in paragraph 3 of their letter No. 1023-E., dated the 25th August, 1925, as follows:

"The system of punishing by fines has already been abolished on State Railways in respect of clerical and office staffs, but it still remains in force in respect of the remaining staff. The Government of India recognise the difficulty of maintaining discipline among the large staff of employees, many of whom are ignorant and illiterate men, and of punishing breaches of rules (many of which are concerned with the safety of the public) slackness, carelessness, absenteeism and the like, without resort to a system of fines, and they are aware that the fines are credited not to the Railway Administration but to separate fine funds. But they trust that Railway Administrations will make

a careful survey of the various offences, at present punishable by fines, with the object of gradually reducing fines as much as possible so as to eliminate avoidable hardship ".

Government do not propose to make any change.

FINANCIAL CONDITIONS UNDER WHICH THE INDIAN ARMY WAS EMPLOYED IN THE GREAT WAR.

172. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table the correspondence with the Secretary of State for India relating to the employment of the Army in India in the Great War and state the basis of the financial conditions relating thereto ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Government are not prepared to lay on the table the correspondence on the subject. The information required by the Honourable Member is embodied in the Resolutions passed by the Houses of Parliament on 16th September, 1914 and 26th November, 1914, copies of which are laid on the table.

Resolution passed by both Houses of Parliament, 16th September, 1914.

That His Majesty having directed a military force consisting of British and Indian troops, charged upon the revenues of India, to be despatched to Europe for service in the war in which this country is engaged, this House, in compliance with section 55 of the Government of India Act, 1858, consents that the ordinary pay and other ordinary charges of any troops so despatched, as well as the ordinary charges of any vessels belonging to the Government of India that may be employed in this expedition which would have been charged upon the resources of India if such troops or vessels had remained in that country or seas adjacent shall continue to be so chargeable, provided that if it shall be necessary to replace the troops or vessels so withdrawn by other vessels or forces, then the expense of raising, maintaining, and providing such vessels and forces shall be repaid out of any moneys which may be provided by Parliament for the purposes of the said expedition.

Resolution passed by the House of Commons, 26th November, 1914.

That, His Majesty having directed military forces charged upon the revenues of India to be despatched out of India for service in the war in which this country is engaged, this House consents that the ordinary pay and other ordinary charges of any troops so despatched, or that may be so despatched during the continuance of the war, as well as the ordinary charges of any vessels belonging to the Government of India that may be employed in these expeditions which would have been charged upon the resources of India if such troops or vessels had remained in that country or seas adjacent, shall continue to be so chargeable provided that, if it shall be necessary to replace the troops or vessels so withdrawn by other vessels or forces, then the expense of raising, maintaining and providing such vessels and forces shall be repaid out of any moneys which may be provided by Parliament for the purposes of the said expeditions.

Resolution passed by the House of Lords, 26th November, 1914.

That His Majesty, having directed military forces charged upon the revenues of India to be despatched out of India for service in the war in which this country is engaged, this House in compliance with section 55 of Government of India Act, 1858, consents that the ordinary pay and other ordinary charges of any troops so despatched, or that may be so despatched during the continuance of the war, as well as the ordinary charges of any vessels belonging to the Government of India that may be employed in these expeditions which would have been charged upon the resources of India if such troops or vessels had remained in that country or seas adjacent, shall continue to be so chargeable, provided that, if it shall be necessary to replace the troops or vessels so withdrawn by other vessels or forces, then the expense of raising, maintaining and providing such vessels and forces shall be repaid out of any moneys which may be provided by Parliament for the purposes of the said expedition.

PROVIDENT FUND OF CURRENCY OFFICES.

173. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Have Government taken any measures to improve the conditions of the Provident Fund of the staff in the Currency Offices in India ? If not, why ?

THE HONOURABLE SIR ALAN PARSONS : I would invite the attention of the Honourable Member to the information laid on the table of the Legislative Assembly on the 12th of December, 1933, in reply to question No. 1090, asked by Mr. Lalchand Navalrai.

JURISDICTION OF THE SUPERINTENDENT OF POST OFFICES, LOWER ASSAM DIVISION.

174. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : (*a*) Will Government be pleased to state the jurisdiction of the Superintendent of Post Offices, Lower Assam Division ?

(*b*) Is it a fact that according to the rules of the Department, the headquarters of a Superintendent of Post Offices should be centrally located ?

(*c*) Is it a fact that the headquarters of the Superintendent of Post Offices Lower Assam Division, have been removed from Gauhati to Shillong ?

(*d*) Is it a fact that the people of Goalpara, Kamrup, Nowgong and Darrang districts have been put to inconvenience by the removal of the office from Gauhati to Shillong ?

(*e*) Is it a fact that there is a waste of two days' time and that unnecessary expenditure is incurred every time for the journeys from Shillong to Gauhati and *vice versa* whenever the Superintendent goes on tour to the districts within his jurisdiction ?

(*f*) Is it a fact that the staff of the Superintendent's office has been put to difficulties by this removal of office and that they have applied for hill allowance ?

(*g*) Will Government be pleased to state how the buildings previously occupied by the Superintendent as his quarters and the office buildings at Gauhati have now been utilised?

(*h*) Is it a fact that the building now occupied by the Superintendent was formerly used as the quarters of the Deputy Postmaster General, Assam Range ? Why was it not allotted to the Divisional Engineer of Telegraphs, who has no quarters at Shillong ?

HEADQUARTERS OF THE SUPERINTENDENT, LOWER ASSAM DIVISION.

175. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA : Will Government be pleased to state whether they are reconsidering the question of reshifting the headquarters of the Superintendent of Post Offices, Lower Assam Division, to their former place at Gauhati ? If not, why not ?

THE HONOURABLE MR. D. G. MITCHELL : With your permission, Sir, I propose to deal with questions Nos. 174 and 175 together.

Question No. 174—

(*a*) The jurisdiction of the Superintendent of Post Offices, Lower Assam Division, comprises the Dhubri, Gauhati, Nowgong, Shillong and Tezpur head post offices and the sub and branch offices in the accounts jurisdiction of those head offices.

(*b*) Yes.

(*c*) The fact is as stated, but I should explain that the term "central" has an administrative as well as geographical significance in deciding the location of a Superintendent's headquarters.

(*d*) to (*h*). Government have no information, but a copy of the question and this reply is being sent to the Postmaster General, Bengal and Assam, who is competent to deal with the matters referred to.

Question No. 175—

Does not arise in view of the replies just given to parts (*b*) and (*c*) of the Honourable Member's question No. 174.

EXPORTS OF TEA NOT CARRYING EXPORT RIGHTS TO PERSIA BY LAND AND TO THE PERSIAN GULF THROUGH KATHIAWAR AND CUTCH.

176. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (*a*) Will Government be pleased to state whether considerable quantities of tea, not carrying export rights under the Indian Tea Control Act, have been exported from India's frontier to Persia *via* Nok-Kundi and Zahidan? If so, have Government taken effective steps to stop this by bringing it immediately under the strict control of the Customs authorities?

(*b*) Will Government be pleased to state whether considerable quantities of similar tea have also been exported from Kathiawar and Cutch States to the Persian Gulf? If so, do Government propose to make some immediate arrangement with the authorities of these States to permit shipment of tea only on the production of a licence issued by the Indian Tea Licensing Committee?

THE HONOURABLE MR. T. A. STEWART: (*a*) and (*b*). The Government of India have received representations to this effect from the Indian Tea Licensing Committee and have under consideration the question of controlling exports of tea through these channels.

THE HONOURABLE SAIYID RAZA ALI: Sir, will you be pleased to allow the two questions standing against my name to be put on Wednesday, 5th September, instead of today?

THE HONOURABLE THE PRESIDENT: You want to reconsider your questions?

THE HONOURABLE SAIYID RAZA ALI: Yes, Sir.

THE HONOURABLE THE PRESIDENT: I will allow it.

TRANSFER OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

177. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Is it a fact that the proposed transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi will necessitate the acquisition of a thousand acres of land near Delhi for the location of the Institute?

(*b*) Is it a fact that the project involves the depopulation of some villages and that the land which is to be acquired is under cultivation?

(*c*) Is it a fact that this land is valuable and is the only means of sustenance to the inhabitants who are to be dispossessed of it?

(*d*) Is it a fact that there is ample land situated in Shahdara (near Delhi) and between Shahdara and Ghaziabad which is practically waste and does not yield much? Is there any land also in Shahdara which is Government property?

(*e*) Is it a fact that if the land mentioned in (*d*) is acquired for the Institute no people will be deprived of their hearth and home?

(*f*) Have Government considered the advisability of utilizing the land referred to in (*d*) and (*e*) for building the Institute instead of acquiring the land proposed at present?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Yes.

(*b*) The answer to the first part is in the negative and to the second part in the affirmative.

(*c*) Cultivated land generally is valuable to the cultivator. Those whose lands may be acquired will be compensated in the usual way.

(*d*) to (*f*) The land suggested will be considered as a possible site, and if equally suitable, will naturally be preferred.

PERFORMANCE OF *Arti* BY THE HINDUS OF AGRA AT CERTAIN FIXED TIMINGS.

178. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Has any telegram been received recently by His Excellency the Viceroy and Governor General as head of the Government of India from the Hindus of Agra (United Provinces) about the alleged application by the district authorities of Agra of section 144 of the Criminal Procedure Code to the religious *Arti* of the Hindus there and ordering its performance at certain fixed timings so as not to clash with the Muslim prayer time?

(*b*) Is it a fact that the Hindus of Agra have resented the alleged order, and have in consequence suspended their *Arti* and are observing *hartal*?

(*c*) Do the Government of India propose to take any action to pacify the feelings of the Hindus of Agra in this matter?

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

(*b*) and (*c*). The facts are briefly as follows. In June and July complaints were made by worshippers at the Chittikhana mosque that the noise of the *Arti* celebrations in a private temple about 50 yards distant interfered with their devotions. On the 20th July a collision took place in which both Hindus and Muhammadans were injured and on the two following days there were cases of petty assault. On the 27th July *Arti* was performed in the temple in a specially noisy manner to the annoyance of Muslims in the adjacent mosque

at evening prayer. Negotiations were opened and it was agreed by the Hindus that *Arti* should be performed in future ten minutes after the completion of Muslim prayers ; but this provoked a further dispute the next day because the Muslim prayers were started late. After further negotiations it was agreed that the *Arti* celebration should be so conducted that no noise would be audible in the Chittikhana mosque. The Hindus, however, failed to implement this undertaking. In view of the position thus created an order was passed on the 14th August by the District Magistrate under section 144 of the Criminal Procedure Code providing that the *Arti* should either be completed more than two minutes before sunset or not begun till seventeen minutes after sunset. As a result of this order, *Arti* was not celebrated on that day and a *hartal* was observed on the 15th, Hindu shops being closed. The order was relaxed to permit the performance of the *jhula* ceremony, whereupon a noisy demonstration by some 2,000 Hindus took place which, it was represented, made the Muslim evening prayers impossible. No further developments have occurred and it is hoped that an agreed arrangement will be reached. In fact a further report which I received on Thursday showed that the negotiations were reaching a final stage and there was only a minor point of difference between them.

The matter is primarily of local concern, and the Government of India do not propose to issue any instructions to the Local Government who are fully aware of the desirability of settling such disputes on the basis of mutual understanding and neighbourly goodwill.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Is it a fact that the *hartal* is still going on ?

THE HONOURABLE MR. M. G. HALLETT : I have no information later than that which I got on Thursday which, as I stated, indicates that the matter may be about to be satisfactorily settled. I trust by now the parties have been induced to settle amicably the whole business.

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 28th and 29th August, 1934, namely :

A Bill further to amend the Indian Army Act, 1911, for certain purposes ;

A Bill to consolidate the law relating to customs duties ;

A Bill to provide for the application of the Naval Discipline Act to the Indian Navy ; and

A Bill to amend certain enactments.

PETROLEUM BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Secretary) : Sir, I move :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances, as passed by the Legislative Assembly, be taken into consideration."

Sir, petroleum is used as an illuminant, but it is a dull subject. It is also used as a source of power, but it is not powerful enough to propel me through a long speech. I propose therefore to endeavour to group the salient features of the Bill under two main topics and to deal with them as shortly as possible. The two topics are the nature of the substances to which the Bill relates and, secondly, the nature and the degree of the control over these substances. As regards the first topic, the present Petroleum Act was passed in 1899—35 years ago—since when there have been great developments in the use and technique of petroleum, particularly in connection with the development of the internal combustion engine. One would naturally expect therefore that the definition adopted in 1899 is now somewhat out of date. It begins with the following category :

"The liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, paraffin oil, mineral oil, kerosene, petroline, gasoline, benzoline, benzine and benzol".

Many of these terms are now-a-days practically unknown ; we now talk in terms of aviation spirit, motor spirit, kerosene oil, diesel oil and so forth. When the Bill was being drafted it was decided that a long categorical definition of this kind was unsuitable and it was decided to have a more scientific definition based on the chemical composition of the substances concerned. Accordingly the following formula was devised :

"'Petroleum' means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture containing any liquid hydrocarbon".

These hydrocarbons, I may mention, are derived either from crude oil from the ground or from the destructive distillation of coal, shale, bitumen and other substances. The definition now adopted will include all the substances covered by the definition of 1899. Possibly, however, it may cover a few things over which Government does not contemplate the need for control. To meet this possibility, power has been taken in the Bill totally to exempt particular forms of petroleum from the provisions of the Bill.

Now, Sir, as regards the nature and the degree of the control to be exercised over these substances, I may say generally that the Bill is justified by the fact that there is a risk of fire or explosion in the handling of petroleum and the need for control over these substances may arise at various stages in the handling. The Bill classifies these stages into those of import, transport and storage. The Bill also contains a reserve power to control production, refinement and blending of petroleum, but this will only be used if need should arise in India proper and the provisions will not extend to Burma which has a local Act of its own controlling oil-winning operations in the Burma oil-fields. Now, Sir, in the handling of petroleum there are various degrees of risk according to the inflammability of the various kinds of petrol. This risk is determined by the flashing point, of which the definition given in the Bill is—

"'Flashing point' of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited".

Put more popularly the flashing-point of a given petroleum is the lowest temperature at which it is likely to burst into flame if a flame of spark is brought near it.

[Mr. D. G. Mitchell.]

The most dangerous form of petroleum referred to in the Bill as dangerous petroleum, but is better known to every one as petrol or motor spirit. Its flashing point is not higher than 76°F., and in regard to this form of petroleum its handling will be carefully controlled at all stages, and a license will be required for its import, transport and storage. Next come ordinary kerosene, fuel and diesel oil, which have flashing points ranging from 76 to 200°F. These may be imported without license, but storage and transport will be controlled by license and also by a rule. At the other end of the series come heavy oils and lubricating oils with a flash point above 200°F. The Bill totally exempts these as no danger attaches to their handling. That, Sir, is a very broad account of the scheme of control contained in the Bill, but the Bill also recognises that the ordinary citizen handles small quantities of petroleum and it is not proposed to trouble him with the taking out of licenses. It is also not proposed to trouble small dealers in kerosene. Accordingly, three important exemptions are provided for in the Bill. The first relates to non-dangerous petroleum not in bulk, that is, in quantities not exceeding 500 gallons and contained in receptacles not exceeding 200 gallons. Such quantities of non-dangerous petroleum will not require a license. Again, the ordinary house-holder will be exempted from taking out a license for small quantities of dangerous petroleum used for domestic purposes such as for use in petrol lamps or for cleansing. For these purposes, he may keep six gallons without license. More important still is the exemption in favour of the ordinary motorist who may keep his tank full of petrol and another 20 gallons in his garage without license. On the other hand, Sir, in contract to these exemptions the Bill recognises that there are certain substances which, though they are not hydrocarbons yet resemble the hydrocarbons in being dangerously inflammable. Such substances are carbide, wood-spirit, acetone and the like. The Bill contains a special clause under which Government can declare these to be dangerous substances and make special rules for the handling of them.

11 A.M.

The Bill in its present form has been accepted by all the interests concerned it makes full provision to avoid unnecessary trouble to the ordinary citizen; and it is believed to be adequate for present needs, and for any developments in the near future. I commend the Bill to the acceptance of the House.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, the province which I have the honour to represent has been interested in the production of petroleum from very early times and I welcome a Bill to bring up to date the regulations for the control of this essential of modern life. The original Act was placed on the Statute-book about 35 years ago and I think I can safely say that in no other industry has there been a greater advance in technique than in the petrol industry during this period. It is therefore high time for the introduction of a Bill which incorporates the various amendments in the existing Act necessitated by changing conditions and I have no doubt that this House will welcome a measure which shows that the Government of India are keenly alive to the necessity of being abreast of the times.

Sir, I am sure that the Honourable mover of the Bill realises as well as I do that the rules which are to be drafted when the Bill becomes an Act are quite as important if not more important than the Act itself and I feel confident that the Government will continue to give favourable consideration to the suggestions made by the public and the petroleum industry when the rules are drawn. I have no suggestion to make for the improvement of the Bill as passed by the Legislative Assembly. It is evident that the measure has received very careful consideration in the light of modern requirements and it is a matter for satisfaction that in these controversial times we have before us a Bill to which, I submit, no one can take exception, since its sole object is the protection of the public without imposing undue restrictions upon this great industry.

Sir, I support the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I rise to support the Bill. So far as the merits of the Bill are concerned I have nothing to say and if I intervene in the debate it is only to throw out a suggestion to the Government and I hope they will see their way to accept it. Sir, the suggestion is to the effect that the time has now come for the Government to allow the sugar factories to manufacture alcohol to be mixed in petrol to a certain degree. Sir, we all know that the Government by putting import duties on sugar has developed that industry.

THE HONOURABLE MR. D. G. MITCHELL: Is the Honourable Member in order, Sir? The Bill is for the control of petrol.

THE HONOURABLE THE PRESIDENT: I was just endeavouring to follow what he was alluding to. He had not completed his remarks.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: The object of my suggestion is that these sugar factories should be allowed to make alcohol to be mixed in petrol.

THE HONOURABLE THE PRESIDENT: Order, order. This is entirely an inopportune time to discuss the question. Will you kindly confine yourself to the Bill before the Council?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I am talking about petrol and I am showing to the Government that they can improve the petrol as well as the wealth of the country by the suggestion that I am throwing out. The whole of my speech will be about petrol and nothing else.

THE HONOURABLE THE PRESIDENT: There are many things which are connected with petrol which we are not discussing here now.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: But, Sir, if you will permit me, on the motion to control the sale and import of petrol we can bring in the question as to how the manufacture of petrol can be improved.

THE HONOURABLE THE PRESIDENT: What has that to do with the provisions of this Bill?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, it is connected in this way that it deals with the control and manufacture of petrol and therefore it is connected with this Bill.

THE HONOURABLE THE PRESIDENT: Will you be very brief in your remarks please?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Thank you, Sir. So, Sir, if the molasses which are being at present thrown out are to be utilised in the form of making alcohol to be mixed in petrol, it will increase the wealth of the country and reduce the price of the petrol too.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): It will reduce the price of sugar as well!

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir. We all know, Sir, that the price of petrol in the Presidencies of Bengal and Bombay are much lower than those in the United Provinces and the Punjab and for the benefit of those who come from these provinces and for whom motors are not now luxuries but matters of necessity, it is necessary to decrease the price of petrol in the interior of India too. How can we decrease the price of petrol with all the heavy duty that is being levied on it in India? So if the Government brings in a legislation by which they allow the sugar factories to turn their molasses into alcohol and a certain percentage of alcohol is to be mixed with petrol as is done in all the foreign countries, I am sure the price of the petrol will be reduced in the interior of the country. Also the sugar factories will be benefited because at present they have to waste this commodity. Sir, molasses used to fetch a very high price in 1931, when the Tariff Board recommended a certain import duty on sugar. It was sold at Rs. 1-8-0 in 1931. Then its price came down to 10 annas in 1932, to four annas in 1933, and in 1934 it fetches no price at all. It is practically wasted and the factories have to spend large amounts in throwing away their molasses. Keeping the price at four annas a maund, if Government allows these factories to turn molasses into alcohol to be mixed in petrol, the factories will gain as much as Rs. 35 lakhs. This national wealth is at present being wasted. The suggestion that I have thrown out is not a novel one. If Government will look at the records of other countries, they will find that they have made legislation by which they have made it compulsory for all petrol dealers to mix a certain percentage of alcohol. If we in India do the same, we will simply be following what is being done in other countries. Sir, the consumption of petrol in all the provinces is very great. With your permission, Sir, I will place before the House the consumption of petrol in each province.

THE HONOURABLE THE PRESIDENT: This is all unnecessary for the purpose of this Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: The consumption of petrol in the different provinces is

connected with this Bill, Sir. In 1931, the consumption of petrol was as follows:

Province.	Gallons.
Madras	10,696,000
Bombay	13,182,000
Bengal	10,782,000
United Provinces	4,553,000
Burma	7,137,000
Shan States	621,000
Punjab	5,560,000
Bihar and Orissa	2,736,000
Central Provinces	2,247,000
Assam	1,764,000
North-West Frontier Province	1,660,000
Rest of British India and Indian States	11,723,000
Total ..	72,661,000

THE HONOURABLE THE PRESIDENT: This is all irrelevant to the Bill before us.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: The consumption of petrol?

THE HONOURABLE THE PRESIDENT: What has this Bill got to do with that? The Bill refers to the import, transport, storage, production, refining and blending of petroleum.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: If you will not permit me, Sir, I will not say a word about it. But the Bill deals with the consumption, storage and sale of petrol. I am showing what is the consumption of petrol in the different provinces, and how if my suggestion is accepted by the Government, they will reduce the price in the different provinces.

THE HONOURABLE THE PRESIDENT: You have already said that. You have stressed that point.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I will cut short my speech, Sir, and only repeat the suggestion that I have just made that Government will kindly see their way to introduce legislation by which they can mix alcohol with petrol in the proportion of from 20 to 25 per cent. Will you permit me to refer to other foreign countries where petrol is made? If not, I shall resume my seat.

THE HONOURABLE THE PRESIDENT: That is entirely irrelevant to this Bill.

(The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra thereupon resumed his seat).

THE HONOURABLE MR. D. G. MITCHELL: Sir, the Honourable Mr. Chari was concerned that the rules which will be framed under this Act should be in accordance with public opinion and the requirements of the petroleum trade. Under clause 29, all these rules are subject to previous publication and any rules of any importance whatsoever will be published for three months before they are finally promulgated. Every interest concerned will be given ample opportunity of representing its case and every suggestion made will be most carefully considered.

As regards the question raised by the Honourable Mr. Mehrotra, I may say, Sir,—if you will not rule me out of order—that it is a fascinating subject and one which has been engaging the attention of various experts of the Government of India for some time past. I understand that the Department of the Honourable the Leader of the House is now conducting experiments in the distillation of high strength alcohol in order to find out whether any such scheme is feasible. There are many very serious technical difficulties in the way, the chief of which, I may mention here, is the likelihood that this mixture, when brought into the humid climate of an Indian monsoon, will absorb water, in which case the alcohol and water will separate out, and the unfortunate who uses it in an aeroplane or motor car is going to find lots of trouble. As I said, the question is under consideration. But, talking quite privately, if the sugar interests will come forward to the oil interests with a straightforward proposition saying, "Here is two annas a gallon profit on this alcohol; you take one anna and we will take one anna"—if such a proposal is made, I see no reason why the two interests should not come to an amicable settlement.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2 to 13 were added to the Bill.

Clauses 14 to 32 were added to the Bill.

Clause 1 was added to the Bill.

The Schedule was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. G. MITCHELL: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

IRON AND STEEL DUTIES BILL.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I move:

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as passed by the Legislative Assembly, be taken into consideration."

This Bill, Sir, embodies the decisions of the Government of India on the recommendations of the Tariff Board which, a year ago, was directed to carry out the statutory inquiry prescribed by section 3 of the Steel Industry Act of 1923. Honourable Members are of course aware that the original inquiry into the claim of the steel industry to protection was carried out more than 10 years ago, and that the task of the Tariff Board which has just reported was not to re-investigate this claim *de novo* but to come to a finding on the following issues. First, is it necessary to continue protection to the steel industry and, secondly, if so, what is the extent of the protection necessary?

Before going on to consider what have been the answers to these two questions, I may be permitted to anticipate a series of questions which I am forced to admit are perfectly legitimate questions. Though it is true, it may be said, that the Tariff Board of 10 years ago found that the steel industry had fulfilled the conditions prescribed by the Indian Fiscal Commission, are we bound thereby for ever and is our only function to hand out the appropriate quantum of protection from time to time? Are we not entitled to ask what use has the industry made of the assistance it has enjoyed, and are we not entitled to inquire whether the anticipations of the Tariff Board are likely to be realised and whether the industry is within a measurable distance of being in a position to stand upon its own feet? These, I have said, are legitimate questions. I would go further, Sir, and say that these are questions to which Government before proposing any further measure of protection should have convinced themselves that satisfactory answers could be given. Let us therefore consider what the industry has done to help itself. And in reviewing the progress which it has made let it not be forgotten that in the last period of protection it was seriously afflicted by labour troubles. Let it not be forgotten that the last period of protection included a time of depression—of unparalleled depression—for India as for other countries. Neither of these factors are likely to be conducive to the progress and expansion of the industry. We are, Sir, entitled to ask that an industry receiving protection should keep its technical equipment up to modern standards and that it should at the same time improve as much as possible the economy and efficiency of its productive processes. What is the record of the steel industry in these respects? I believe that few of us here are technical experts and I believe that most Honourable Members like myself will be prepared to accept the advice and opinion of an experienced Tariff Board which has had the advantage of the advice of a technical expert. In chapter VII of its Report, the Board, after a careful study of the organization of the Tata Works, has expressed the opinion that in point of equipment and efficiency they will stand comparison with any in the world, and they say further that when the projected programme of improvements has been carried out, there will be little room left for criticism. Again, in respect of the efficiency of the labour, the Board points out in paragraph 58 of its Report that though it was anticipated in 1926 that by the end of the period of protection the output per man would be as much as 25·6 tons on the assumption that full production would by that time have been attained. This anticipation has been bettered and the output is now about 26½ tons per man. The extent of the advance may be measured when it is mentioned that in 1926 the output per man was as low as 12 tons. It would therefore appear that not only has Tatas kept abreast

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of the times in respect of technical equipment, but they have enormously improved the organization and efficiency of their labour. If however any Honourable Member is not satisfied by the findings of the Tariff Board on these technical matters, I invite him to apply a simpler test. Let him compare the works cost in 1926 with the works cost at the present day. I shall quote some figures which Honourable Members will find for themselves in Table VIII of the Report. In 1926 the works cost of structural sections was Rs. 105 per ton ; the latest figure is Rs. 60 a ton ; for bars the corresponding figures are Rs. 99 and Rs. 60 ; for plate, Rs. 103 and Rs. 63 ; for sheets, Rs. 164 and Rs. 85, and for galvanized sheets, Rs. 264 and Rs. 115. These figures represent a very remarkable achievement, and they show an improvement even on the somewhat sanguine estimates of the Board in 1926. I submit, Sir, that in the face of these facts and figures it is impossible to deny that the industry has made a fair contribution towards its own salvation.

Turning now to the possibility of the industry being in a position after a reasonable time to dispense with protection, I would mention that this is a question which is closely inter-connected with the Tariff Board's calculations of the protective duties which are still required. I shall later discuss the Board's calculations, but for the time being I accept their results, and if for any reason these results shou'd be rejected, my present argument will naturally fail. If Honourable Members will refer to Tables XXIII and XXIV at page 54 of the Tariff Board Report, they will find in those tables a list of the duties which have been recommended by the Board. They will find also a comparison between these proposed duties and the existing duties. They will find that six out of the nine main commodities produced by the steel industry require no protection against the United Kingdom steel manufacturer. In the remaining three cases the amount of protection required is equivalent to less than 10 per cent. *ad valorem*, which is the duty now applicable to British steel of non-protective classes. Again, of these commodities, four of them require no protection against imports of any origin whatever. In one case only, that is, the case of untested structural section, has it been proposed that there should be an increase of duty. In short, Sir, India can now meet the United Kingdom manufacturer on practically level terms and, as the Tariff Board has shown, if continental manufacturers would make a fair and sufficient allowance in their prices for overheads and depreciation, India would have little to fear from any quarter. We may therefore take it as proved, Sir, that by the aid of protection already given and by virtue of its own exertions the industry is nearing a point where it can stand alone. It would be foolish,—it would be more than foolish,—it would be iniquitous to desert it now when the end of the journey is in sight.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North West Frontier Province : Nominated Non official) : For how many years ?

THE HONOURABLE MR. T. A. STEWART : Our proposal is seven years. If then we decide to continue to protect the steel industry, the question arises what is the amount of protection required ? The Board's recommendations which are summarised in Table XXIII of the Report have been accepted by the Government of India, who are satisfied that the Board's method of calculation

and the Board's findings are sound and reasonable. Let me briefly explain what the method adopted by the Board is. From an examination of the cost sheets supplied by the Company the Tariff Board has estimated the works cost of each of the products of the works, and if I may refer Honourable Members to chapter 3 of the Board's Report they will find that it was in a most careful and critical spirit that the Board examined these cost sheets. To the works cost there is added an allowance on account of overheads, that is to say, on account of depreciation of the plant and property, on account of working capital and on account of managing expenses ; finally an addition has been made representing reasonable profit to the Company and the total thus arrived at is what the Board terms the " fair selling price ", that is to say, a price which, if realised, will give the Company a return to cover manufacturing and managing expenses and to give a fair profit. The next step in the Board's process is to determine the prices at which competing goods can be landed in India. The difference between the fair selling price and the ex-duty landed cost of the competing article is the measure of protection required. This method is not a new one ; it is as old as the Tariff Board itself. It is one which ensures that the protection given is sufficient but not excessive and imposes a minimum burden on the consumer. The duties proposed by the Board have been calculated in this manner and these are the duties which have been embodied in this Bill. There is one exception, namely, galvanized sheets. The Board, by reason of the operation of the Supplementary Iron and Steel Agreement which formed part of the Ottawa Agreement, thought themselves unable to determine the free competitive prices of galvanized sheets and they have worked on the prices accepted by our Ottawa delegation in 1932. In so far as the duty now proposed for British galvanized sheets is based on the supplementary Agreement it is preferential, but if reference is made to the Report of our Ottawa delegation, it will be found that what the Board regards now as an artificial price was in fact a real price. The Indian delegates including Sir George Rainy and Sir Padamji Ginwala (who know all about iron and steel), were satisfied that Rs. 159 per ton was the lowest price at which the British industry could afford to export in 1932. That circumstances have not changed seriously to any great extent since then is suggested by the fact that today the price of galvanized sheets landed at Colombo ranges from Rs. 167 upwards. That figure is an ex-duty figure. The element of preference in the proposed duty cannot therefore be considerable, but we have nevertheless secured a *quid pro quo* in that His Majesty's Government has agreed to continue the concession which we have been enjoying, namely, the concession of free admission of Indian pig iron into the United Kingdom.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Is there any duty on our steel in the United Kingdom ?

THE HONOURABLE MR. T. A. STEWART : 33⅓rd per cent. is the duty upon steel in the United Kingdom.

THE HONOURABLE MR. HOSSAIN IMAM : No preference to Empire steel ?

THE HONOURABLE MR. T. A. STEWART : I presume so.

Government have also accepted the Board's recommendation for the protection of certain subsidiary industries, such as, fabricated steel industry, tin-

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plate, wire and wire nails and cast iron pipe manufacture. In these cases the Board has followed the same procedure as in the case of the main industry and I need hardly enter upon the details of their recommendations in these respects. I would refer, however, to the duty proposed on fabricated steel of British manufacture. The duty of Rs. 40 has been suggested to meet a particular danger and from a particular source. Should it appear at any time that that danger has disappeared and the duty is unnecessary or unnecessarily high, steps will be taken to reduce it under the offsetting powers which are continued to the Governor General in Council by the present Bill.

A matter to which the Tariff Board attach considerable importance and one to which the Government of India attach no less importance is the position of the re-rolling industry *vis-à-vis* the main industry, that is to say, Tatas. The re-rolling mill is a useful part of the economy of steel production in India. It supplies a specialised and small demand which might not appeal to the large scale industry and Government are concerned that this re-rolling industry should not fail because of a lack of its raw material, namely, steel billets. If Tatas cannot supply, or do not supply at the fair price calculated by the Tariff Board, Government will take steps to reduce or remove the revenue duty on steel billets so that an alternative supply may be available at a fair price.

Similar to this problem is that of the supply of tin bar to the Tinplate Company. By virtue of a long-standing contract the Tinplate Company are paying to Tatas some ten rupees more than the fair price which has been calculated by the Tariff Board. As a result of this, the fair selling price and consequently the protective duty on tinplate is higher by about Rs. 13·3 than it would be were the Tinplate Company paying only the fair price calculated by the Board. It is hoped that good counsels will prevail and that the two Companies will by agreement adjust their contract prices. Failing this, however, it will be the concern of Government to safeguard the interests of the importers and consumers of tinplate in India.

In the case of iron and steel as in the case of other protected industries, the establishment of a prosperous indigenous industry has been accompanied by a loss in our customs revenue. It is calculated that the adoption of the new customs duties proposed by the Board will involve a deterioration of something like Rs. 30 lakhs in our customs receipts. It is therefore proposed to make up this deficit by levying an excise duty of Rs. 4 per ton on steel ingots produced in India and to impose a countervailing customs duty on imports of steel at a rate of $1\frac{1}{3}$ times the excise duty on rolled steel and $1\frac{1}{2}$ times the excise duty on fabricated steel. These countervailing duties are based on the fact that out of every four tons of steel ingots only three tons of finished steel is produced and it is also the case that, when rolled steel is processed into fabricated steel there is a 10 per cent. loss of material. No doubt, many Honourable Members dislike the principle of an excise duty on a basic industry. Let me assure them that Government is by no means enamoured of the idea. It is only stark necessity which has forced this device upon them and it will be their concern to remove the duty so soon as financial considerations permit.

These, Sir, are the outlines of the Bill. Government believe that they are putting forward proposals which at the least possible sacrifice to the consumer will at the end of the period of protection see India's great steel industry firmly established.

Sir, I move.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask a question, Sir? What will be the effect of the increased duty proposed by the Legislative Assembly.

THE HONOURABLE MR. T. A. STEWART: Do you mean the effect of the restoration of a 10 per cent. duty? I personally cannot say but no doubt my Honourable friend, the Finance Secretary, will be able to give you the necessary information.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): I, Sir, am equally unable to say.

THE HONOURABLE MR. S. D. GLADSTONE (Bengal Chamber of Commerce): Sir, I rise to support the Motion of the Honourable Mr. Stewart that this Bill be taken into consideration. Seven years nearly have gone by since the passing into law of the Steel Industry (Protection) Act of 1927 and in accordance with one of the provisions of that Act an enquiry has been held and a report made by the Tariff Board on the question of the measure of protection to be afforded to the iron and steel industry in the future. The object of the Bill now before the House is to give to the industry a further seven years of protection on a basis modified to meet present necessities in the light of the existing circumstances.

The provisions of the Bill follow in the main the recommendations of the Tariff Board and those who have studied the report cannot have failed to have been greatly impressed with the comprehensive and very expert nature of its findings. In my opinion, and I think this will be generally shared by Honourable Members of this House, the report gives us additional justification to be very proud of the achievements of this most important body. But in certain respects the provisions of the Bill now before the House have departed from the Tariff Board proposals. I do not intend to go into the details of our objections to the original plan, as so ably explained by Sir Leslie Hudson in the other House, though I will later have certain comments to make in connection with one or two of them. It is sufficient to say that our objections were very largely met in Select Committee and I am now able to express wholehearted approval of the Bill.

During the past several weeks we have heard a great deal about the steel industry and even those of us who previously had no knowledge about it are now able to talk quite glibly about ingots and billets, blooms and bars, semis and structurals and a host of other technical terms! Anyhow, the man in the street has had the opportunity sufficiently to master the complicated processes carried out at Tatas' Works at Jamshedpur to feel competent in some small degree to understand the mass of evidence which has been given and to decide whether what is now proposed to be done is in the best interests of the industry and of India as a whole.

One point has struck me as a result of a study of all that has been written and spoken on this subject. It seems to me that perhaps too little has been

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heard about the consumer. I think we are very right to compliment the Tariff Board on their excellent report and there is also every possible justification to be proud of the great industry which has been built up by Tatas at Jamshedpur. Would it be out of place to say a word for the consumer at whose expense the creation of this vast steel industry has largely been built up? Has it ever been calculated what it has cost the consumer and to what extent the protection afforded to the steel industry has increased the costs of production of almost all other Indian industries. I am not suggesting that it has not been worth while—I am convinced that it has been so—but what I do say is that cheap steel is urgently necessary to other industries in this country and during the next seven years the consumer will expect to see further substantial progress made by Tatas towards still greater efficiency and still further lowering of costs which will make it possible for them to deliver their products to buyers in India at a price more comparable to that paid by consumers in other countries. We must have this eventually if we are to get an adequate return upon the vast amount of public money invested. The results of the past seven years may be said to be very satisfactory in the unfavourable conditions which have ruled, both from the point of view of increased production and greater efficiency which together have resulted in an appreciably reduced cost. Let us hope that this progress will continue and that, after another lapse of seven years, Tatas will be in a position not only to supply the whole requirements of India at world prices but that they will be supplying markets outside India on a large scale in free competition with British and foreign suppliers.

This brings me to a point I wish to make about the excise duty on steel ingots. An excise duty is an evil thing and in principle I am absolutely opposed to this system of raising revenue which—it seems to me—destroys the whole object and reason, from the point of view both of the industry concerned, and of the consumer who foots the bill, of affording protection to an industry to enable it to become established. Take the case of a new industry. You want to establish it but it cannot be done because in the initial stages it cannot compete with the imported article. Therefore, when it is found after searching enquiry that it is desirable to establish that particular industry in India, protective duties to a sufficient degree are imposed with a view to make it possible for the industry to compete. In the process of time the industry becomes established and is able to dispense with protection. Thus the consumer who, in the meantime, has been paying an inflated price for the article produced, once more has the prospect and indeed the right of purchasing on a lower level—a level in line with world prices. But this is not to be. The Government of India have in the meantime come to count upon the revenue produced by the protective duties and they are loath to give up this source of revenue. So with the reduction or total elimination of the protective duty a corresponding excise duty on the products of the Indian industry is imposed perpetuating the burden to the consumer.

May I here quote the words of Sir Leslie Hudson in the speech which he recently made in the Assembly? It is quite brief.

THE HONOURABLE THE PRESIDENT: Order, order. Did he make that speech in this session?

THE HONOURABLE MR. S. D. GLADSTONE: He did, Sir.

THE HONOURABLE THE PRESIDENT: Then it is inadmissible. I cannot allow it. You can use those arguments as your own, but you should not quote those words.

THE HONOURABLE MR S. D. GLADSTONE: The point I really wanted to make by quoting that speech was that the Government of India in no circumstances whatsoever should come to regard the revenue from such an excise duty as legitimate.

Sir, it may be said, "If your views on this matter are so strong why have you agreed to the excise provision in the Bill?" The answer to this is that firstly, we recognise that the question is bound up with the present exceedingly difficult financial position and, secondly, we have, so I understand, the unqualified assurance of the Honourable Finance Member and the Honourable Commerce Member that it will not be taken as a precedent for other industries nor regarded as a permanent burden. I was glad that the Honourable Mr. Stewart confirmed that in this House. That is why we have accepted the position.

I would now like to draw attention to the recommendation in paragraph 159 of the Tariff Board's Report. They say:

"We attach great importance, from the point of view of developing the steel industry, to the adoption of suitable measures calculated to increase the market for fabricated steel. No other form of protection can have the influence on this development that would be exercised by a definite scheme spread over a period of years for capital replacements and construction of railways and other productive public works. The credit of the Government of India in the capital market is exceptionally high and money is both plentiful and cheap. A bold policy of public loans for capital expenditure would at this juncture afford enormous assistance in stimulating the market for capital goods like structural steel. We believe that the effect of such a policy would not be confined to the steel industry but would be felt in every aspect of the country's economic life".

I would like to commend this very definite recommendation to the careful consideration of the Government of India. It is one with which I wholly agree.

Then there is another point I wish to touch on—the tendency for Tatas to become a monopolistic concern which has given rise for very justifiable apprehension amongst the several smaller industries which hitherto have been supplying Tatas with a certain proportion of their requirements. It is not possible, nor is it desirable to legislate on this point but it is much to be hoped that Tatas will so arrange for their future requirements of the commodities concerned so as to ensure that their own further development will not result in the elimination of existing industries. I understand that certain conversations between Tatas and the smaller industries have already taken place and it is a matter of first rate importance that agreements should be reached satisfactory to all concerned.

Now, Sir, I have one last matter to refer to. We are very much in the dark about Tatas' freight arrangements. It has been alleged in some quarters that there is a secret agreement between Tatas and the Bengal Nagpur Railway by which the steel industries will enjoy exceptionally low rates of freight,

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rates which will not be available to others. If this is so I must say I consider it to be most highly objectionable because it amounts to an industry obtaining a measure of its protection in the form of specially advantageous rates of freight. For such an arrangement to be secret and to remain undisclosed to the public would make it still more obnoxious. Sir, what I respectfully ask for is a definite assurance from the Honourable mover that no such special or secret arrangements will be allowed to exist and that full and complete details of the rates of freight to be paid by Tatas will be published at an early date.

Sir, I support the Motion.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Sir, it is from the consumers' point of view that I propose to deal with the Bill in the first instance. The measure now before the House has, in one form or another, been considered by the Central Legislature during the past nine years. The steel industry is a key industry, vital to the interests of the country, and if there is any dissentient note against affording it protection, it is entirely due to the fact that the industry is the virtual monopoly of a single firm. This creates a feeling among the consumers that protection which, in the last resort, falls upon their shoulders is an interminable phase of this industry. Protection for the industry was first introduced for a period of three years and then in 1927 it was renewed for a further period of seven years and it was then stated that no protection would be required thereafter. One can sympathise with the feeling that there must be something wrong with the industry if it seeks protection again after 10 years. Sir, it appears however that in practically every case the cost of production today is at least as low as, if not lower than what was anticipated by the Tariff Board in 1927. The real reason for the continuance of protection therefore would appear to lie elsewhere. It is to be found in world conditions of unexampled economic depression and particularly in the phenomenal fall in continental prices of steel. Continental firms are importing steel and steel products at prices which are below the economic level. The Tariff Board says:

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> "The sale of continental steel is effected through an international organization which apparently regulates prices for export markets according to the local conditions of each market and not necessarily to the expenses of production. It is against this class of competition based on indeterminate and often uneconomic prices, that the Indian industry now requires protection. To this extent therefore it is reasonable to suggest that the protection which we now propose for the Indian steel industry may be regarded as in the nature of an anti-dumping provision rather than as a measure of substantive protection".

This then, Sir, is the reason prompting the protective measure embodied in the Bill.

Sir, so far as protection granted to the industry for meeting the menace of unfair prices of foreign steel is concerned, it deserves our support. Steel is a national industry in this country. Sir, if it is a national industry, as a representative of the Muslim community in this House, I desire to draw the attention of Tatas to the justice of giving my community adequate representation not only in the labour force but also in the administrative branches of the industry.

Sir, as regards the introduction of preferential duties in the Bill, as the whole policy of preference emanating from the Ottawa Agreement is shortly to come before this House, it is therefore not expedient to discuss this aspect of the Bill at this stage. I would however like to say a word here about the excise duty on steel. An excise duty, even for revenue purposes, can be justified only on the score of over-production or profiteering. It is common knowledge that India is not self-sufficient so far as supplies of iron and steel products are concerned. There is no question therefore of the appropriateness of a levy of excise on a product at its marketing stage. At no stage in the career of Indian steel is an excise duty justifiable, unless and until India becomes entirely self-sufficient so far as her steel requirements are concerned. The plea for an excise duty for revenue purposes is not justifiable when existing revenue duties are to be removed. The exigencies of duties when dictated by revenue needs command recognition however in all circumstances. Revenue duties are preferable to excise duties, but in the case of steel, the Honourable the Finance Member in the other place categorically mentioned that excise duties were absolutely necessary to maintain budgetary equilibrium. In the circumstances, Sir, we must regard these duties as inevitable.

Sir, I support the Bill.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras: Nominated Non-Official): Sir, I rise to support the Bill which has been placed before us, and in doing so I propose to make one or two general observations in the belief that the Government would welcome the opinions of Honourable Members, and in any case the concerns which are engaged in the steel industry would like to know what was passing in the minds of Honourable Members when they gave their assent to the Bill. But before I come to the subject proper of my remarks, I should like, with your permission, to express my appreciation of the Report of the Tariff Board which, in my humble opinion, is a very clear and business-like document prepared after very considerable labour bestowed upon an extremely complicated subject. It is perfectly natural that a report of this kind would be subjected to criticism. It always is, and this particular report we know has been subjected to very severe criticism in several quarters. One need not grudge that, but it is rather unfortunate that the criticism has in certain quarters been directed to the personnel of the Board and in particular to the two Indian members of the Board. Well, Sir, if you will permit me to say so, I happen to know these two members more or less intimately and I have had the good fortune and privilege of being associated with them in various spheres of work and I can honestly say that they are men who can be relied upon to discharge their public responsibilities with fearlessness, with impartiality and in the larger interests of the country.

With these preliminary observations, I shall proceed to the main subject. The proposal before us is to extend protection for a further period of seven years. This extension is fully justified by the considerations set forth in the Report of the Tariff Board. The period of extension will expire in 1941. By the end of that year the steel industry will have been in existence for 28 years and will have enjoyed protection for 17 years. The thought which will naturally occur to everybody, which has already occurred to the Honourable Member in charge, and he has expressed it very clearly, is, whether we shall be in a position at the end of this period to dispense with protection altogether? The

[Diwan Bahadur Sir Rumunni Menon.]

answer which he has given to this question, which is practically a reproduction of the answer which the Tariff Board has given to the same question, is that it is quite possible that at the end of that period we might be able to dispense with protection altogether. But I am bound to say that the qualifications with which the Tariff Board has hedged its opinion make it practically worthless. I can quite understand—in fact it is obvious—that it is extremely difficult to dogmatise on the period that will be required for the growth and full development of the steel industry in India, because we have no data to go by. But it will be readily granted that protection cannot be continued indefinitely and for ever. If therefore it is impossible to set an absolute time-limit within which the industry should be asked to set its house in order, the alternative is to see that every improvement that is necessary or is calculated to secure economy in production is carried out by the industry without delay.

THE HONOURABLE THE PRESIDENT: Has the Fiscal Commission recommended any time-limit ?

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON: No, Sir. The Tariff Board I believe has made very valuable suggestions in this direction. It has recommended particular measures which should be introduced to improve the efficiency of the works and I think that the Government should see that the firm carries out all these recommendations without undue delay. In this connection it will be pertinent to remark that a very important recommendation of the Tariff Board—or to be more accurate, I should call it a suggestion—namely, that the old open hearth furnaces should be replaced by more modern works, which was made in 1926 has not yet been carried out. I am only mentioning this to show that the Government should take some steps to see that the recommendations of the Board are carried out by the management.

Another point which I should like to touch upon is this. In view of the very long period of protection and the very heavy burden which the taxpayer and the consumer have borne in regard to the steel industry, it will be legitimate to ask what the results of the policy of protection which has been pursued so long have been. In so far as it has resulted in the establishment of a very important national industry on a broad and firm basis, I think we may say that it has achieved a result of which the whole country may be proud ; and the Government which adpoted and enthusiastically carried out the policy of protection and the firm of Tatas which made it possible for the policy to produce such a notable result may be heartily congratulated. But when we look in other directions, I confess we meet with disappointment. It was thought when the policy of protection was adopted that India would soon become self-supporting in the steel industry. As the industry stands at present a very considerable portion of the steel market is supplied by foreign steel. Another expectation which was cherished at the time was that other steel works would spring up under protection and create internal competition which would bring about low costs. It is gratifying to note that in certain respects the steel industry has grown ; in regard to the re-rolling industry there have been signs of active growth, and we should be gratified at this development. But in regard to the basic industry, namely, the production of basic steel which is the raw material

for various subsidiary industries, the position remains what it was many years ago, that is to say, the production of the steel is still in the hands of one particular firm. In other words, this firm has a virtual monopoly in the production of raw steel. The evils of such an arrangement are sufficiently obvious. Some of these have already been referred to by previous speakers, but the greatest evil in my opinion is that there is no adequate incentive to the firm to reduce it costs. That incentive will come only when there is competition within India and internal competition will come only when there is some other steel works producing raw steel. True there are immense difficulties in the establishment of another steel works in India. These difficulties are well known and I need not dilate upon them. There is all the more reason therefore that when some concern is started and promises to develop into a successful industry, we should give to it every encouragement. The only steel works other than Tatas that I know of is the Mysore Steel Works. The position of the Mysore Works and its prospects have been fully gone into by the Tariff Board and the opinion of the Tariff Board is that the steel produced in the Mysore Works will be under a permanent handicap, because it produces charcoal steel which is very expensive and not coke steel which is produced by Tatas. The Board estimates this handicap at about Rs. 20 a ton. In view of the fact that internal competition is extremely essential for the growth of the steel industry in India one would have thought that if the Mysore Works could not be actively encouraged, it would be at least left alone. It was with some surprise and disappointment therefore that I read a statement in the Report of the Select Committee on this Bill to the effect that the progress of the steel works in Indian States should be carefully watched and that suitable action should be taken by the Government whenever there are any signs of undue competition. I am putting it in a way which is favourable to the Select Committee. Expressed in plain language, I interpret the statement to mean nothing more than this, that inasmuch as the Mysore steel will not be subject to the excise duty, there is just a possibility that it might be able to reduce its initial handicap, and to compete with Tata steel in British India. When such a contingency arises, the suggestion is that the Government of India should come to the rescue of Tatas. That is the way in which I understand the statement. I should very much like, Sir, the Government to examine any situation which is likely to arise in regard to this matter with the utmost care and impartiality, and whatever decision they might come to should be reached, keeping in view the supreme importance of internal competition to the development of the Indian industry and in the larger interests of the country.

With these few remarks, Sir, I heartily support the Bill.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I had no mind to take part in the discussion of this Bill as I am neither an industrialist nor the proposals of the Tariff Board, or the Bill under discussion very much adversely affects the consumers of corrugated sheets. I would have rather welcomed the proposals of the Tariff Board had they recommended a lower duty on imported corrugated sheets, as by the heavy import duties on such articles all these years, in the name of protection, it hit the Bengal consumers and more especially the agriculturists of that part of Bengal, viz., East Bengal, of which I am a representative in this House. In this respect if I have any complaint against the Tariff

[Mr. Jagadish Chandra Banerjee.]

Board, or the present measure, it is because its predecessor was responsible for the advent of that evil spirit, *viz.*, imperial preference, which has fully possessed the Indian administration at present. Sir, it was at the time of drafting the first Steel Protection Bill that the present bureaucracy forced down the throat of India the policy of imperial preference, though by a back door, to which political India never subscribed. The same imperial preference pervades this Bill and it was included in this measure before the Report of the Ottawa Agreement Committee was made available to the other House. As I said before, the heavy duty of Rs. 40 per ton on galvanized sheets of non-British manufacture, as against a duty of Rs. 10 per ton on galvanized sheets of British manufacture, is nothing but a palpable injustice to the consumers, especially of Bengal, where more than 60 per cent. of the imported sheets used to be consumed before. Sir, East Bengal is full of rivers and every year villages are inundated, and naturally the agriculturists live in houses neither built of mud walls and thatched roofs as in other parts of India nor in *pucca* built houses. They live in houses made of galvanized sheets, as such houses are easily removable to uplands whenever there is any likelihood of a flood. Thus, I being a representative of East Bengal, am more interested on the reduction of import duties on sheet iron, and I would certainly blame Government for not giving that much consideration to the poor consumers as they should have done. Had the import duties on galvanized sheet iron been made uniform, then by competitive prices, it would have been made cheaper in the market, which is always to the advantage of consumers.

The next point to which I would like to refer is one which will not be very congenial or palatable to my Honourable colleagues from other provinces. Sir, of late a movement is afoot against the Bengalis, both Hindus and Muslims, employed in Tatas. The argument adduced by them is that men of other provinces do not get chances of employment in Tatas. This movement has now been given a filip and a communal colour. Here I hold in my hand a pamphlet, issued by some disgruntled and dismissed employees of Tatas, to give communal colour to the discussion of the grant of protection to Tatas. In this connection the first and foremost point to be considered is, whether men of other provinces are sufficiently employed by Tatas or not? As far as I am aware, the number of employees in the Tatas from other provinces is none the less rather more than such employees from Bengal. The next complaint which has been levelled against Tatas is that all high posts there are being occupied by men of my province. In this connection I can not help pointing out to my Honourable friends that Tatas have now become a national concern, but it was not so when a beginning had to be made. Sir, it was a Bengali geologist named Dr. Pramatha Nath Bose, who by dint of his pertinacity went on exploring all the jungles and forests of Chota Nagpur, infested with wild animals and beasts, at the risk of this own life. It was this adventurous Bengali who first discovered iron ore in a place named Gorumahisni, a Sonthal village in the heart of dense forest. After this exploration, Tatas desired to make a small beginning, but they failed to get together men who would go and work there, and as the site then was under the province of Bengal, Bihar and Orissa subsequently, they had to recruit a few students of the Bengal National Technical School. It was thus a beginning was made. Is there any wonder that those

people who toiled hard from the firm's low beginning are employed now as heads of branches? Sir, every now and then we hear Government bringing forward the argument that Indians can not aspire to get the highest posts in railway services unless Indians come on the lowest rung of the ladder in larger numbers. We hear also from the Government that Indians can not grudge the Anglo-Indians an overweightage in railway services because it was the Anglo-Indians who have been pioneers in the railway services. That being so, on the same analogy, the people of other provinces can not justly grudge the people of my province who have secured these high positions in the Tatas through their perseverance, intellect and they secured such positions being the pioneers in the field of iron industry both as geologists and metallurgists.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, the Bill before us seeks to provide for the modification and continuance of the protection afforded to the iron and steel industry of this country. Protection was first given to this industry in 1924 and again, in accordance with the recommendations of the Tariff Board, in 1927, for a period of seven years.

Sir, we live in a world of tariffs, import quotas, preferential arrangements, bounties and subsidies and it is not possible for anyone to be an orthodox free-trader. The country and the Government have adopted deliberately the policy of discriminating protection. It is, I submit, too late in the day to question the wisdom of this policy and I am not going to do it.

Sir, the protection given to the Tatas,—I say the Tatas because they have come to have a practical monopoly in this line and the fortunes of this industry are bound up with the Tatas,—has justified itself. There can be little doubt that they have utilised the protection given to them to good advantage. In a period of world depression, in spite of the heavy fall in the demand for steel products, the industry has made substantial progress. It has, in the midst of adverse factors, striven to maintain its output, reduce costs and improve efficiency. The Tariff Board has testified to the efficient state of the industry. At page 81 of the report they say:

> "It should not be thought that the works are inefficient as compared with other works of similar age".

Sir, the thriving town of Jamshedpur bears witness to the magnificent work of this indusry. The industry has treated its workers well. They are well paid and well looked after. They are provided with good houses. There are good sanitary arrangements in the town. They have a pure water supply and the town has been electrified. The Tariff Board have stated:

> "Their inspection of both the works and the town of Jamshedpur has convinced us that the arrangements made by the Company for the welfare of labour are adequate. In the opinion of some, too much attention and too much expenditure have been devoted to labour welfare, but we are definitely of opinion that the attention and expenditure bestowed on these activities are well repaid".

The Tatas represent the good employer type—they keep up the traditions of their great founder—that great Indian patriot and philanthropist, Jamshedji Nasserwanji Tata—and it is impossible not to feel that they have earned well of the country.

[Pandit Prakash Narain Sapru.]

Sir, we have an increasing population—our birth rate shows an alarming increase—and we have to find employment for this increasing population. It is clear that industrialization—rapid industrialization—is our most pressing need. Millions of our people live in a state of semi-starvation. We have to tackle the big problem of Indian poverty—we can only do it by a bold and vigorous policy of industrial develop ent, and it is for the State to do all it can to help the industrial and commercial development of the country. When Japan started on her industrial career——

THE HONOURABLE THE PRESIDENT: All this is very interesting, but very irrelevant for the purpose of this Bill.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: When Japan started on her industrial career she had to meet the difficulties we have to meet today, but there was determination on the part of the Government and people in Japan to make Japan great and they have done it. There is need for the same determination in this country. A policy of discriminating protection involves some sacrifice on the part of the consumer no doubt, but we have to take a long view and situated as we are, living as we do in a world which has made a fetish of economic self-sufficiency, I can see no alternative to it.

The principal question we have to consider therefore is whether the Bill gives adequate protection to what is a basic industry of great national importance. The steel and iron industry is a key industry; it is an industry on which so many other industries depend; it is an industry of great importance to the defence of the country. It is of prime importance that the country should be made self-sufficient in the matter of her steel requirements. The Tatas have been supplying so far 72 per cent. of the steel requirements. The objective to be kept in view is or should be that cent. per cent. of the requirements should be supplied by Indian steel concerns. With the early expansion of the industry is bound up the future of so many other industries, industries which we should like to come into existence, such as, for example, industries for the manufacture of bicycles, motor cars, aeroplanes, refrigerators, electric dynamos and the plant.

Keeping the importance of the industry in view, it cannot be fairly said that the protection given by the Act of 1927, was excessive. In fact, the Tatas complain in the very able representation they have submitted to the Tariff Board that the protection given was inadequate. In one respect, Sir, the result of the scheme of protection of 1927 has certainly been disappointing. The Tariff Board of 1927 had hoped that another steel work would come into existence. That hope has not yet been realised. The Tariff Board have again stressed that:

> "In regard to the future we regard it as a development to be greatly desired that steel protection should not remain the monopoly of a single enterprise".

So far the success of the Tatas has not been sufficient to encourage the establishment of another concern. It is undesirable that in a basic industry there should be a virtual monopoly, and it strikes me that it ought to be the endeavour of our protective policy to encourage the growth of other concerns similar to Tatas.

Sir, I am not very good at figures and I should not like to talk about things I do not understand. But while on the subject of the adequacy of the protection, I should mention that a part of the public, including poor widows and small middle class men have invested very nearly Rs. 10½ crores in the Tatas. The ordinary shareholders, as far as I have been able to see, have been getting no return on their ordinary shares. The preference shareholders stand on a different footing. I am thinking of the ordinary shareholders.

The scheme of protection devised by the Tariff Board, as far as I have been able to understand it, and I speak with diffidence, is framed to yield the Tatas a net profit of one crore, after providing Rs. 78 lakhs for the depreciation and other charges such as head office expenses and managing agent's commission. Will this sum enable anything to be paid to the ordinary shareholders? The point is of importance because if the investing public do not get any return on their investments, there is little chance of their being induced to invest money in another concern. I find that a paper called *Commerce and Industry* published at Delhi states that the reserve fund of the Company stood last year at Rs. 16,92,820 and that this is the figure at which it stood on the 31st March, 1921. How is it and why is it that the Company has not been able to add anything to this reserve fund during this period of 12 years? Inadequate protection, Sir, is worse than no protection because if you give an industry inadequate protection, you make the consumer pay and at the same time not reap the harvest in the shape of increased industrial development and lower prices at some future date. Therefore, Sir, it is necessary that the protection given should be adequate, should be such as will enable the industry to become a paying concern. I agree with the view that the consumer, particularly in a poor country like India, ought not to be made to pay too heavily. But I do not think the protection proposed to be given can be legitimately attacked on this ground. Sir, I have heard a good deal of discussion on the estimates of what the consumer will have to bear if the industry is given protection. I will just refer to one item to show that the arguments by which the consumer's case is supported are not necessarily always sound. The Tariff Board say that the landed price without duty of continental bars is Rs. 67, and of English bars would be Rs. 96, while the selling price of the Indian steel would be Rs. 106. From this the inference has been drawn and the argument advanced that if there were no duties at all the Indian consumer will get his continental bars at Rs. 67 per ton. That is not a correct argument. On the assumption that there are no duties and that the British steel bars cannot be sold below Rs. 96 per ton, why should the continental manufacturer sell his bars at Rs. 67? He will sell his bars at any price in the neighbourhood of Rs. 96, say, about Rs. 88 or Rs. 87 per ton. The point that I want therefore to make is that it often happens that it is the levy of high protective duties which forces competition and compels the foreign manufacturers to lower their prices in order to retain the market for their goods. Sir, we see this in the case of Javanese sugar today. I am therefore not disposed to quarrel with the quantum of protection proposed. My grievance against the Bill is that the protection proposed is accompanied with conditions which might make it ineffective and defeat its purpose. Let me just explain this. The two most objectionable features of the arrangements

[Pandit Prakash Narain Sapru.]

embodied in this Bill are the excise duty on iron and steel ingots and the preferential duties in favour of Great Britain. So far as the excise duty is concerned, I would like to say this. It ought not to have found its place in any Bill intended or designed to give protection to a basic industry. Ordinarily an excise duty is imposed during the budget proposals and it strikes one that this is not the occasion for Government to levy such a duty. What is the revenue that you will lose if you do not impose this duty ? The duty will act as a tax on protection. It will not be in the interests of the growth of this industry. We have modified the scheme of protection to the disadvantage of Tatas. What you are bound to consider is whether the Rs. 30 lakhs which they will have to pay by way of excise duty will not have a tendency to make the scheme of protection which Government has devised for them ineffective. The industry will have to pay increased railway freights about Rs. 40 lakhs and it is to be burdened with this further payment of nearly Rs. 30 lakhs in the shape of an excise duty. Add to this the fact that the British manufacturer is being put in a position of advantage by the reduction of duties on British goods. What will be the effect of all this on the industry and the country generally ? What will be the effect of this on the general industrial advancement of the country on the subsidiary industries which depend on this industry, such as coal, fire brick, manganese, etc.

I now come, Sir, to the differential duties in favour of Britain. The Bill as it has come out of the Select Committee represents an improvement over the original Bill as based on the recommendations of the Tariff Board, but it still shows considerable preference to British steel. The duties on British steel have been considerably reduced and in many cases only revenue duties to the extent of 10 per cent. have been retained. We should have thought that it was the Indian industry that required protection. Sir, Indian commercial opinion is, generally speaking, against preferential arrangements, as it is not convinced that those arrangements have any tangible gains to offer. I was reading only today the conclusions which the Federation of Indian Chambers of Commerce and Industry has reached on Dr. Meek's Report on the working of the Ottawa Agreement. They point out that the preference scheme has not created any new market for India and that it has merely diverted India's export trade from foreign countries to Great Britain. They have also reached the conclusion that the preference scheme has obstructed direct trade relations with foreign countries in a number of articles, and it is creating obstacles in the smooth trade relations between India and her chief customers abroad. Already we hear, Sir, that Belgium is proposing to find other markets for cotton and other things of which she was a purchaser from us. The result of these duties will be that the continental manufacturer will be driven out of the Indian market, and even be eliminated, and the Indian consumer will not be able to buy, if he wants to, cheap continental goods. He will have to make this sacrifice not in order that Indian trade might benefit, but in order that the British steel manufacturer might not be squeezed out. What is the advantage that the Indian consumer is going to get in return ? Sir, cold expressions of sympathy with our political aspirations leave us unmoved, and so far as material benefits are concerned, I cannot see any. We want to know what are the advantages in return that we shall get for the sacrifice that we are making? Surely the proper course for the Government would have been to impose one

uniform revenue duty on all countries and take anti-dumping powers against the countries that are dumping goods. I must therefore express my disapproval of the principle of preferential duties in this Bill.

One other observation that I would like to make is in regard to clause 2. Clause 2 gives power to the executive to modify the scheme of protection embodied in the Bill——

THE HONOURABLE THE PRESIDENT : You are anticipating your own amendment.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : I will not say anything more.

With these words, Sir, I will resume my seat.

THE HONOURABLE SIR JOSEPH BHORE (Commerce Member) : Sir, I must apologise if what I have to say this morning is for the large part a repetition of what I have said in another place, where a debate on this subject has extended over many days and where practically every aspect of this question has been most carefully considered. This Bill, Sir, is in all probability the last major protective measure which will be introduced by the Commerce Department during my term of office, and it is a matter of some satisfaction to me that the Bill should refer to an industry which I may justly describe as a key industry of the greatest national importance and which has on the whole justified the sacrifices that the country has made in the desire to place it upon a firm and stable foundation. I do not think, Sir, that there is any serious challenge of the Board's conclusion that the industry has in the past justified the protection which it has received, and I do not think that there will be any one who will question the conclusion of the Board that it merits the continuance of protection for a further definite period, sufficient to enable it to consolidate its position finally and enable it to stand unaided against the competitive efforts of its outside rivals. Assuming, Sir, that the necessity for protection is admitted, the only other question of importance is the quantum of protection which should be given in the circumstances of the case. Now, Sir, here again, I do not think there will be any serious controversy in regard to the recommendations which have been made by the Tariff Board. The more I examine the provisions of the Bill the more they appear to me to be almost inevitable having regard to the data before us ; not merely inevitable but I may say impervious to serious criticism and challenge. My Honourable friend Mr. Stewart has already explained the procedure adopted by the Board. It is no new procedure ; it is a procedure which has been followed by, as far as I know, every previous Tariff Board, in the examination of the question of protection and in assessing the quantum of protection required. The Board has in the first place fixed a fair selling price for the Indian product ; it has then ascertained the price of the competing non-Indian product. The difference between the two is the amount of protection that is required. Now, Sir, the Board has had recourse to no subtle, no hidden methods in arriving at its conclusions. The Board has founded its findings on facts and figures and it has subjected those facts and figures to the cold processes of mathematics. If there is anybody who says either that the protection recommended by the Board is too much or too little, then they must challenge either the correctness of the facts and figures concerned or they must

[Sir Joseph Bhore.]

say that the processes which have been adopted by the Board in arriving at its conclusions are incorrect or inaccurate. So far as I know, Sir, that has not been done by anybody, whether inside the Legislature or outside it. Those who have thought fit to criticise the recommendations of the Tariff Board have abandoned the region of facts and figures and have proceeded on vague generalizations which have no solid foundation whatsoever. I say that those who adopt these vague generalizations put themselves entirely out of court and they cannot claim to be seriously considered in any reply that may be called for from these benches.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: It is a matter of opinion.

THE HONOURABLE SIR JOSEPH BHORE: No, Sir, it is not a matter of opinion; it is a matter of facts. If any body wants to challenge the findings, he must challenge the foundations on which the Board's recommendations are built and not content himself by making wild and vague generalizations. One of such wild and vague generalizations is that which was made by one or two Honourable Members this morning when they suggested that the duties imposed on British goods were unreasonably advantageous to the British producer.

Now, Sir, this brings me to the question of differential duties. I have very little to add to what has already been said on more occasions than one in the Indian Legislature in respect of differential duties. I would only ask Honourable Members to consider this question on the basis of ordinary commonsense and reason and not of prejudice. The underlying fact is that in many instances the price of British products cannot possibly compete with the price of continental or foreign products. Now, Sir, let me illustrate this case in its simplest form. It may appear to you, Sir, and to business men to be extremely elementary, but it is often the elementary that is overlooked. Let us assume that the landed price without duty of a British article is Rs. 100. Let us assume the landed price of the foreign article to be Rs. 60; and let us assume that the fair selling price of the Indian product is Rs. 105. Then, Sir, it is quite evident that other things being equal the protection required by the Indian article against the British competitor is Rs. 5, as against Rs. 45 against the foreign or continental competitor. Now, if you were to impose, as my Honourable friend Mr. Sapru suggests, a uniform duty of Rs. 45 on all outside imports, you will be imposing a totally unnecessary handicap on the British importer, and you will also be penalising very severely the Indian consumer. The principle of differential duties has been accepted by the Indian Legislature on more than one occasion and, Sir, nothing has been said this morning which would justify the rejection of a principle which has already been considered and accepted. For whose benefit, is it argued, that we should do away with these differential duties? Is it for the benefit of the Indian producer? Surely not, Sir, because the calculations of the Board make it quite clear that the duties that they have recommended against the British competitor are sufficient protection to the Indian producer. Is it for the sake

of the Indian consumer? Again, Sir, surely not, for an unnecessarily high rate of duty is directly and diametrically opposed to the interests of the Indian consumer. Let me take just one particular case, the case to which my Honourable friend Mr. Jagadish Chandra Banerjee referred, the case of galvanized sheet. What are the facts? The facts are these. My Honourable friend Mr. Stewart has already pointed out that we have ascertained on the most irrefutable evidence that it is not possible for the British importer to sell galvanised sheet at a price below Rs. 160 a ton without duty. The price at which the continental importer can sell is Rs. 130 a ton; the fair selling price for the Indian product is Rs. 170 a ton. The Board therefore has suggested that a duty of Rs. 10 is sufficient against the British importer and a duty of Rs. 40 is necessary against the foreign non-British importer. Now, my Honourable friend Mr. Banerjee suggests that we should impose a duty of Rs. 40 on the British product as well. What will be the result? It is well known that Tatas cannot possibly supply more than a fraction of the demand for galvanized sheet in this country. The inevitable result will be that the British price will be driven up to Rs. 200, that the foreign competitor instead of selling at Rs. 170 will be free to sell at any price up to—possibly a little below—Rs. 200; and for the sake of a uniform rate of duty, you are going to impose extra burden upon the Indian consumer to the tune of something like Rs. 30 a ton. My Honourable friend also overlooked the fact that we are in this Bill very considerably reducing the duties on galvanized sheet. We are reducing the duties on continental sheets to Rs. 40 a ton; and that means a reduction of the burden on the Indian consumer of something like Rs. 48 lakhs. If the complaint is that the duty proposed on British goods is not sufficient to make the protection for the Indian industry effective, I have on more than one occasion said that we are perfectly ready to examine the evidence upon which that contention is based; but, Sir, up to the present moment no one has ventured to set out that evidence; no one has ventured to advance facts and figures in support of such a contention.

Referring to differential duties, Sir, I need only emphasise what was stated by a very distinguished predecessor of mine in office, namely, Sir Charles Innes. He explained that it was not a question of Empire sentiment. It was a question of the Indian consumers' interests. Now, Sir, I do realise that there is a certain amount of perturbation in certain quarters in regard to the effects of these differential duties upon our non-British—I may say extra-British—foreign trade. I do not wish to treat, and I certainly would not be justified in treating that anxiety lightly, but I would place before the House two considerations. The first consideration, Sir, is the very substantial reductions indeed which we are now proposing in this measure on continental products. Let me give to the House just one or two instances. On continental bars we are reducing the duty from Rs. 46¼ to Rs. 39. On continental plates from Rs. 45 to Rs. 25. On black sheet (continental) from Rs. 73¾ to Rs. 32. On continental galvanized sheets from Rs. 83 to Rs. 40.

1 P.M.

THE HONOURABLE MR. HOSSAIN IMAM: What about the structures?

THE HONOURABLE SIR JOSEPH BHORE: There are only two cases in which the duties that we are now proposing are slightly in excess of the duties

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that are at the moment existing and that brings us to the question of uneconomic competiton from the Continent.

The next point, Sir, that I wish to refer to is this question of uneconomic continental competition and here, Sir, perhaps you will forgive me if I again repeat what I said before in this connection. I said on another occasion that I frankly admit the necessity of seeing that the continental importer is not unduly or improperly penalised. I am at one with those who point out the danger inherent in an unfair handicap on continental products, but I would point to the very pregnant observations of the Tariff Board on the question of continental competition. I do not want to weary the House, Sir, and I will therefore merely refer the House to paragraphs 101 and 195 of the Tariff Board's Report in this connection. I said, Sir, further that, when continental prices become stable and economic, there is nothing to prevent us from utilising our powers under clause 2 of the Bill to bring the duties into line with certain modifications of price.

Sir, I do not think I should detain the House any longer. The duties embodied in this Bill are not random impositions. They are the result of careful calculations on a scientific basis. I submit that they are fair to the industry and I think, if my Honourable friends would consult the industry today, they would be satisfied that the industry does not seriously regard these duties as affording insufficient protection. All industries would no doubt like to get as much as they possibly can and squeeze the consumer as much as they possibly can. (*An Honourable Member:* "What about the shareholders?") Sir, we are here not to safeguard the shareholders but the consumers. (Applause.) I submit, Sir, that these duties are fair to the industry. They are fair to the consumer. In our view they will help to establish the industry on a firm basis and at the end of the period of protection we hope the industry will be able to face with equanimity competition from outside,—always supposing, of course, that that competition is on an economic basis.

I would ask the House, Sir, to accept the Bill as it stands. (Applause.)

THE HONOURABLE THE PRESIDENT : I do not propose to curtail the discussion on this Bill as it is a very important measure. I would like to give all Honourable Members an opportunity of addressing the House. But today being Saturday and particularly as on Monday next we have no work, I propose to adjourn the Council till Monday, after hearing the Leader of the House, when a full debate on this Bill will be resumed.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, as I announced previously the remaining portion of today's business will be taken up on Monday, the 3rd September. I understand that some Honourable Members desire that, of the four Bills which have been laid on the table today, one, namely, the Indian Tariff Bill which I understand is a non-controversial measure, may be proceeded with on Monday after the conclusion of today's unfinished business. I therefore suggest, Sir, if the House agrees, that the normal period of notice in respect of the Tariff Bill may be curtailed by one day and that it may be put down on the agenda for Monday. The other three Bills laid on the table today will be taken up on Tuesday, the 4th September, with your permission.

THE HONOURABLE THE PRESIDENT : I shall suspend the Standing Order in respect of the Tariff Bill and direct it to be put on the List of Business for Monday next.

The Council then adjourned till Eleven of the Clock on Monday, the 3rd September, 1934.

COUNCIL OF STATE.

Monday, 3rd September, 1934.

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.

Indian Tea Cess Committee.

179. The Honourable Mr. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state the functions and the personnel of the Indian Tea Cess Committee ? What is the method adopted for the selection of the personnel of the Committee ?

(*b*) What is the amount of money given per annum to the Indian Tea Cess Committee by Government for propaganda work in India and abroad ?

(*c*) Do Government grant such financial help to any other institution of this nature such as the Soft Coke Cess Committee ? If so, what is the amount of annual grant for it ?

(*d*) Will Government be pleased to state the manner in which the money is spent abroad by the Indian Tea Cess Committee and for what purposes ?

(*e*) Are there any provincial branches of the sub-committees of the Indian Tea Cess Committee ? If so, how many and in which of the provinces ?

The Honourable Mr. T. A. STEWART : (*a*) The Honourable Member is referred to section 4 of the Indian Tea Cess Act, 1903 (IX of 1903). I lay on the table a statement giving the names of the present chairman, vice-chairman and members of the Committee.

(*b*) and (*c*). Government do not give any grant directly to the Committee but the proceeds of the cess imposed by section 3 of the Tea Cess Act, 1903, the present rate of which is the maximum, are paid to the Committee after deducting the expenses of collection. The amount of such proceeds paid to the Committee in the year ended 31st March, 1934, was Rs. 14,24,419.

(*d*) and (*e*). Information has been called for and will be placed on the table of the House when received.

The Honourable Mr. JAGADISH CHANDRA BANERJEE : Will the Honourable Member kindly inform this House how many Indians are there on the Indian Tea Cess Committee and whom do such Indians represent, *i.e.*, who nominated or elected them ?

The Honourable Mr. T. A. STEWART : I have already informed the Honourable Member, Sir, that I am laying a statement on the table containing the names of the members of the Indian Tea Cess Committee.

The Honourable Srijut HERAMBA PROSAD BARUA : I understand that a Publicity Officer has been appointed by the Tea Cess Committee. Will the Government be pleased to give the name, functions and salary of that officer ?

The Honourable Mr. T. A. STEWART : I must ask for notice of that question, Sir.

Statement showing the personnel of the Indian Tea Cess Committee.

Names.	Nominated by—
1. Mr. J. Jones, *Chairman*	Indian Tea Association.
2. Mr. J. S. Graham, *Vice-Chairman*	
3. Mr. Balfour Smith	
4. Maulvi Abdul Matin Choudhury	
5. Mr. T. Lamb	
6. Rai Bahadur Siba Prosad Barooah	
7. Mr. E. J. Nicholls	
8. Mr. D. D. Storrar	Bengal Chamber of Commerce.
9. Mr. C. K. Nicholl	
10. Mr. A. R. Mellis	
11. Mr. H. L. Puttock	Madras Chamber of Commerce.
12. Mr. J. M. Kilburn	Assam Branch, Indian Tea Association.
13. Mr. R. G. Boyle	
14. Mr. F. J. Heathcote	Burma Valley Branch, Indian Tea Association.
15. Mr. J. Scott Rae	
16. Mr. F. J. Durnford	The Darjeeling Planters' Association and the Terai Planters' Association jointly.
17. Mr. F. M. Graham	The Dooars Planters' Association.
18. Mr. G. Hepburn	
19. Mr. Biraj Kumar Banerjee	Indian Tea Planters' Association, Jalpaiguri.
20. Mr. A W F. Mills	The United Planters' Association of Southern India.

INDIAN TEA CESS COMMITTEE.

180. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: How many Indians are employed as subordinates in the staff of the Indian Tea Cess Committee? If none, will Government be pleased to state why the posts of superintendent have not been Indianized? When do they propose to Indianize such posts?

THE HONOURABLE MR. T. A. STEWART: Appointments on the staff of the Committee are made by the Committee itself and Government have no hand in the matter. I will, however, forward a copy of the Honourable Member's question to the Committee.

INDIANS SHOT IN SOUTH AFRICA.

181. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Has the attention of Government been drawn to the news item published in *Forward* of Calcutta of the 25th July, 1934 (town edition) under the caption "Indians Shot in South Africa"? If so, will Government be pleased to make a statement on this tragedy giving the names of the Indians shot and the reasons for such happenings?

(*b*) What steps did the Union Government of South Africa take to find out the clues of the murderers?

(*c*) Is it a fact that including the above mentioned murders, this is the sixth tragedy in which Indians have been the victims? If so, will Government be pleased to state what measures have the Government of South Africa taken to protect the lives and properties of the Indians there?

(*d*) Is there any Indian Agent in South Africa appointed by the Government of India? If so, what steps did he take for the prevention of such crimes? What steps did the Government of India and their Agent take for compensating the families of the dead? If none, why?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Government have seen the article referred to. They have no information beyond what has appeared in the press.

(*b*) The Union police authorities have the case in hand.

(*c*) and (*d*). According to one of the newspaper reports, this is the sixth incident of its kind that has happened in Natal since 1915. Indians in South Africa are as much under the protection of the ordinary law of the land as South Africans. The Honourable Member will agree that in spite of such protection, murders unfortunately take place in the most efficiently administered countries. It is understood that, as a result of incidents like the one referred to by the Honourable Member, Indians trading in out of the way places have asked for more liberal issue of licenses to possess arms and this request has been acceded to by the authorities concerned.

MEASURES ADOPTED FOR THE DEVELOPMENT OF SALT MANUFACTURE IN BENGAL.

182. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state what measures they have adopted to develop the salt manufacture in Bengal?

(*b*) Have they given any money to the Government of Bengal for the purpose out of the amounts obtained from the additional duty imposed for the purpose? If so, what is the amount?

(*c*) How many Indian concerns are there in Bengal which propose to manufacture salt?

(*d*) Has any one of them received any State-aid in the shape of a grant or bounty by way of encouragement or impetus to the indigenous salt industry for which the Government of Bengal received its quota from the revenues obtained from the additional salt duty? Will Government be pleased to state the total amount received by the Bengal Government as its quota from the additional salt duty since its imposition?

THE HONOURABLE SIR ALAN PARSONS: (*a*) The Government of India had an exhaustive enquiry made into the question of developing the salt

industry in Bengal by an expert officer deputed for the purpose in 1931-32. The report was sent to the Government of Bengal for consideration.

(*b*) and the last part of (*d*). Yes. The amounts paid were :

	Rs.
1931-32	5,36,600
1932-33	6,04,300
1933-34	2,11,800
A total of Rs.	13,52,700.

(*c*) I have no information.

The first part of (*d*). No.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will the Honourable Member kindly state for what purpose was this sum utilised by the Government of Bengal? Under whose authority did the Government of Bengal utilise this fund for General Administration?

THE HONOURABLE SIR ALAN PARSONS: Briefly, Sir, the Government of Bengal were under no obligation to apply this sum to any other purpose than General Administration. There was no condition attached to it, and it was not necessary to apply it to investigation on manufacture of salt only.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Why did not the Government of India object to such funds being utilised for purposes other than those for which it was originally granted?

THE HONOURABLE SIR ALAN PARSONS: Sir, I think the Honourable Member would not have read out his second supplementary question if he had listened to the answer which I gave him to the first.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is there any Salt Committee of the Government of India? Was this anomaly caused by the Government of Bengal brought before the Salt Committee? If not, why not?

THE HONOURABLE SIR ALAN PARSONS: Will the Honourable Member explain what he means by "anomaly"?

THE HONOURABLE THE PRESIDENT: What is your definition of "anomaly"?

THE HONOURABLE SIR ALAN PARSONS: What is the anomaly to which the Honourable Member refers?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Discrepancy, Sir.

THE HONOURABLE THE PRESIDENT: "Anomaly" does not mean discrepancy!

THE HONOURABLE SIR ALAN PARSONS: What discrepancy does the Honourable Member refer to?

(The Honourable Mr. Banerjee did not make any reply.)

THE HONOURABLE THE PRESIDENT: Will you proceed with your next question, please?

REASONS FOR BILLETING THE NORFOLK REGIMENT IN THE GOVERNMENT INTERMEDIATE COLLEGE HOSTEL, DACCA.

183. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the reasons for billeting the troops of the Norfolk Regiment in the Government Intermediate College Hostel at Dacca?

(*b*) How long will the British troops remain in the said hostel buildings?

(*c*) Will Government be pleased to state why the barracks erected nearly a couple of years ago near the Dhakeswari temple for the British soldiers have been considered to be unsuitable for their habitation?

(*d*) What was the total cost of erecting the said barracks near the Dhakeswari temple? Who was responsible for the construction? Were any steps taken against the officials responsible for such wastage? If not, why not?

(*e*) Will Government be pleased to state whether they are giving any rent to the authorities of the Dacca Intermediate College for quartering the British troops in the Dacca Intermediate College Hostel? If not, why not?

(*f*) Will Government be pleased to state where the students of the hostel have been accommodated?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Enquiries have been made and a statement will be laid on the table of the House in due course. But I understand that some of the troops had to demand shelter from the civil authorities, as certain of their temporary huts had been demolished by a gale.

The troops were not accommodated in barracks, they were temporarily hutted in wood and matting hutments in circumstances of considerable discomfort.

GRIEVANCES OF INDIANS IN ZANZIBAR.

184. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state what steps they have taken to inquire into the grievances of the Indian residents in Zanzibar?

(*b*) Have they deputed any officer to inquire into the causes of the grievances of the Zanzibar Indians? If so, who is that officer? If not, why not?

(*c*) Do Government propose to send any non-official Indian to inquire into the grievances of the Zanzibar Indians? If not, why not?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The attention of the Honourable Member is invited to the reply given by me on the 8th August, 1934, to parts (*b*) and (*c*) of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 17.

(*c*) No; because this is unnecessary.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: With regard to (*a*), Sir, may we know what are the experiences of the officer recruited in connection with Indian emigrants for which he has been selected?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Considerable previous experience of Indians overseas.

POST OF ASSAY MASTER, BOMBAY MINT.

185. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state why the post of the Assay Master in His Majesty's Mint in Bombay was retrenched or abolished ?

(*b*) Was the incumbent of the post given any pension ? If not, why not ?

(*c*) How long was the incumbent of the retrenched post in service and why was not he given any other employment ?

(*d*) How many Assay Masters are there in the different mints of India, how many of them are Indians and how many of the Assay Masters were superannuated at the time when the incumbent of the post retrenched in Bombay was discharged ?

(*e*) Will Government be pleased to state the number of Deputy or Assistant Assay Masters in India and how many of them are Indians ?

(*f*) Did Government make any provision for the retrenched officer in any chemical or industries department of the Government of India ? If not, why not ?

(*g*) Is it a fact that at the time of the last retrenchment the Honourable the Finance Member gave an assurance that retrenched officers would be given the first chance of reappointment when vacancies occur ? If so, will Government be pleased to state how many vacancies in the grade of Assay Masters occurred since the post of the Assay Master in the Bombay Mint was retrenched and the services of the incumbent of the post were dispensed with ?

THE HONOURABLE SIR ALAN PARSONS : (*a*) The post of Assay Master, Bombay Mint, was abolished as a measure of retrenchment.

(*b*) The incumbent was retired on compensation pension under the retrenchment terms.

(*c*) and (*f*). The retrenched officer was appointed to the Assay Office in January, 1920. He could not be given other employment because no suitable appointment was available.

(*d*) and (*e*). The post in question was the only post of Assay Master. There is now only one superior post in the Department. The designation of this post is Chief Assayer, Bombay Mint, and the present incumbent is an Indian.

(*g*) As the only post of Assay Master has been abolished there have been no vacancies in that grade. Consequently any assurance which may have been given regarding the reappointment of retrenched officers does not apply to this case.

RESERVE BANK OF INDIA.

186. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state when the Reserve Bank will be established in India.

(*b*) When will the shares of the Reserve Bank be placed in the market ?

(*c*) Will Government be pleased to make a statement as regards the arrangements that are being made by them for setting up the Bank ?

THE HONOURABLE SIR ALAN PARSONS : (*a*) and (*b*). I am not yet in a position to make an announcement.

(*c*) The detailed arrangements for setting up the Bank are under active investigation and are now in a fairly advanced stage of preparation. A senior officer has already been placed on special duty to see to their completion, so far as that is possible before the Central Board is actually constituted.

RESPONSE TO THE SALE OF TREASURY BILLS, ETC.

187. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state the condition of the response to the Treasury Bills sales, particularly to the intermediates of three months' bills, the tenders for which were opened on the 24th July last ?

(*b*) What was the average rate of accepted tenders and what was the amount fetched by the sale of three months' intermediates from the 18th to the 23rd July last ?

(*c*) Will Government be pleased to state why the sale of intermediate bills from the 25th to 30th July last was announced at Rs. 99-12-6 ?

THE HONOURABLE SIR ALAN PARSONS : (*a*) and (*b*). Rs. 2,14,75,000 were offered. Tenders at Rs. 99-12-3 and above were accepted in full, and then at Rs. 99-12-0 were allotted approximately 75 per cent. The average rate of accepted tenders was 15 annas 7 pies per annum.

In the week from July 18th to 23rd, 23 lakhs of intermediates were sold.

The Honourable Member may like to know that this information always appears in the leading newspapers the day after tenders are opened.

(*c*) The rate for intermediate bills is fixed slightly higher than the tender rate of the previous week.

REPORT ON THE ECONOMIC SURVEY OF INDIA BY PROFESSOR BOWLEY AND MR. ROBERTSON.

188. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state what effect they have given, or propose to give, to the Report of the Economists, Professor Bowley and Mr. Robertson, who came out to India at the invitation of Government ?

(*b*) What was the total cost of the economic survey made by these two economic experts including their honorarium ?

(*c*) Will Government be pleased to lay on the table copies of the Report of Professor Bowley and Mr. Robertson and fix a date for the discussion of the report in this House ? If not, why not ?

THE HONOURABLE SIR ALAN PARSONS : (*a*) The report is still under departmental consideration.

(*b*) About Rs. 33,000.

(*c*) Copies of the report were supplied to Members of both Houses last April. I do not think that any useful purpose would be served by discussing the report at the present stage, but it is of course open to the Honourable Member to table a resolution on the subject if he wishes to do so.

FIXATION OF PROPER STANDARDS OF JUTE.

189. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state what steps they have taken for the fixation of proper standards of jute on which there is an excise duty ?

(*b*) Has the attention of Government been drawn to the following observation of the Central Banking Enquiry Committee : "In view, however, of the great importance to the produce, the standards should be fixed as early as possible and we further recommend that the Local Governments concerned should take prompt steps for the fixation of proper standards of jute " ? If so, how have they given effect to this part of the Report of the Central Banking Enquiry Committee ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) and (*b*). Government are aware of the Central Banking Enquiry Committee's remarks regarding the fixation of standards of jute. This question, among others, was examined by the Bengal Jute Enquiry Committee, and I would invite the Honourable Member's attention to the resolution of the Local Government, dated the 12th February, 1934, in which they say that the various recommendations of the Committee are being considered.

INDIAN TRADE COMMISSIONER IN ITALY.

190. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the necessity for the appointment of an Indian Trade Commissioner for Italy ?

(*b*) What are the qualifications and what will be the remuneration of the officer appointed ?

(*c*) Will Government be pleased to state the nature and the volume of trade Italy has with India and *vice versa* ?

(*d*) What are the Italian articles or goods that India consumes ?

(*e*) Will Government be pleased to state the names of the Indian articles or raw materials that are consumed by Italy and the amount of annual exports of such articles to Italy for the last five years ?

THE HONOURABLE MR. T. A. STEWART : (*a*) The proposed appointment of an Indian Trade Commissioner in Italy forms part of the scheme for the appointment of Indian Trade Commissioners abroad, the necessity for which is set forth in the Proceedings of the Meeting of the Standing Finance Committee held on the 16th January, 1930 (Volume IX, No. 13).

(*b*) The officer selected for the post was recruited through the Public Service Commission in 1931 in view of his business experience. He has since then been under training in the Commercial Intelligence and Statistics Department, Calcutta, and in July last proceeded to London to receive further training in the Trade Department of the High Commissioner's Office for four months.

On appointment as Indian Trade Commissioner he will receive the following remuneration :

Pay—£1,000—50—1,500 a year.

Representation allowance—£250 a year.

House rent allowance—£150 a year.

The question of granting him compensation on account of the depreciation of sterling in relation to the lira is under consideration.

(*c*), (*d*) and (*e*). The information desired by the Honourable Member will be found in the Annual Statement of the Sea-borne Trade of British India, copies of which are in the Library of the House.

THE HONOURABLE SAIYID RAZA ALI : What had this officer been doing since 1931 when he was appointed ?

THE HONOURABLE MR. T. A. STEWART : He has been, as I said, in the Office of the Director General of Commercial Intelligence and Statistics in Calcutta.

TRANSFER OF THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH FROM PUSA TO DELHI.

191. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state whether Government have definitely decided to remove the Pusa Agriculture Institute to New Delhi ? If so, when will the removal begin and what will be the cost of such removal ?

(*b*) Where will the Institute be located in New Delhi ? Will new buildings be erected for the purpose ? If so, at what cost ? Will there be sanitary arrangements such as pipe water, electric lighting and underground drains in the locality where the Institute will be located in the suburbs of Delhi ?

(*c*) Are the expenses of the said Institute at Pusa entirely borne by the Government of India ? If so, what is the amount spent annually for the upkeep of the Institute ? Do the Government of Bihar and Orissa contribute any money towards the annual expenditure of the Pusa Agricultural Institute ? If so, what is the amount ?

(*d*) Will Government be pleased to state why do they contemplate removing the said Institute to New Delhi ?

(*e*) Have Government consulted the non-official bodies in Bihar and Orissa as well as the Government of Bihar and Orissa ? If so, will Government be pleased to lay on the table the views of the different non-official bodies and of the Local Government of Bihar and Orissa on the proposed removal of the Pusa Institute to New Delhi ?

(*f*) Have Government considered the inconvenience to the research work of the students of other provinces owing to the climatic conditions in the capital of India ? If so, what are the Government's reasons in favour of the removal ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) Yes, the work of removal will start very shortly. The cost of transferring

staff and equipment from Pusa to the site near Delhi is estimated at about Rs. 2½ lakhs.

(*b*) The Institute will be located within 12 miles of New Delhi. The cost of the new buildings, which will be fitted with all necessary conveniences, such as electric lighting, pipe water, etc., is estimated at about Rs. 29 lakhs.

(*c*) Yes. The annual expenditure of the Institute varied from year to year, but in 1930-31, when the Institute had its full complement of officers, its recurring expenditure was about Rs. 9 lakhs. No contribution is made by the Government of Bihar and Orissa towards the expenditure.

(*d*) and (*f*). I would refer the Honourable Member to my speech on Mr. Hossain Imam's adjournment motion on the subject of the removal of the Pusa Institute on the 9th August, 1934.

(*e*) No. The Institute is a Central Institution and the question of its removal is primarily one for the Government of India to decide. The Local Government will be consulted as regards the disposal of the buildings and the estate at Pusa.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member enlighten the House as to what is the expenditure now after retrenchment ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : If you will kindly put in a question I will get out the figure.

THE HONOURABLE MR. HOSSAIN IMAM : I do not find that the question asked for the expenditure before the retrenchment.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then you have got some additional information!

PROBATIONERS IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT COMMISSIONERS.

192. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that the Commissioners for the Port of Calcutta recruited in the year 1929 a few probationers in their Traffic Department in order to train them for officers' posts ? If so, how many were altogether recruited and to what different nationalities, castes and creeds they belong ? What are the qualifications of each of them ?

(*b*) Is it a fact that the selected candidates from all over India who applied for appointment as traffic probationers were asked to appear before a board for the final selection and that they were paid second class railway fares from their respective stations to Calcutta and back ?

(*c*) If so, how many of the candidates from the mofussil were granted interviews and what was the amount spent on their travelling expenses ?

(*d*) Is it a fact that these probationers since the completion of their period of training in 1932 have up to now been neither provided with suitable posts nor have they been confirmed in the services for which they were recruited ?

(*e*) Is it a fact that after these probationers had completed their period of training there were vacancies in the senior rank of the Port Trust Services by the creation of new posts or otherwise, both in the traffic and other

departments and that such posts were filled either by persons holding subordinate and clerical posts or by outsiders ? If so, why so ?

THE HONOURABLE MR. T. A. STEWART : The information asked for is being obtained and will be supplied to the Honourable Member in due course.

POST OF SUPERINTENDENT, LANDS AND ESTATES DEPARTMENT, UNDER THE CALCUTTA PORT COMMISSIONERS.

193. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Is it a fact that towards the end of 1933 the Commissioners for the Port of Calcutta filled an appointment in the senior scale in their Lands and Estates Department ?

(*b*) If so, what scale of salary has been fixed for that appointment and what was the scale of salary fixed for the former incumbent of the post, *i.e.*, the Superintendent, Lands and Estates, who was in charge of the section ?

(*c*) What qualifications and special training does the newly appointed candidate possess ? What were the qualifications of the former Superintendent, Lands and Estates ?

(*d*) Was the vacancy at all advertised ? If so, where and how ? If not, why not ?

(*e*) Is it a fact that during 1932 the Port Commissioners appointed two audit inspectors on a much lower scale of salary than what used to be previously attached to the post ?

THE HONOURABLE MR. T. A. STEWART : The information asked for is being obtained and will be supplied to the Honourable Member in due course.

RESEARCH SCHEMES SANCTIONED BY THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

194. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state the names of the different schemes of research which have been sanctioned by the Imperial Council of Agricultural Research during the last two years ? Will they be pleased to state the names of the provinces or Indian States where such researches are being carried out ? Will they be pleased to state the amounts sanctioned for each of such researches ?

(*b*) Will Government be pleased to state the schemes of researches which have been sanctioned during the last two years with the names of the provinces or states where researches have been proposed to be undertaken but for which funds have not yet been made available ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) and (*b*). Statements are laid on the table.

Statement showing research schemes sanctioned and financed by the Imperial Council of Agricultural Research in 1932-33 and 1933-34.

Scheme.	Madras.	Bengal.	Bombay.	United Provinces.	Punjab.	Bihar and Orissa.	Central Provinces.	Assam.	Burma.	North-West Frontier Province.	Hyderabad.	Mysore.	Baroda.	Central Government.	Imperial Council of Agricultural Research.
					Schemes sanctioned and financed in 1932-33.										
1. Scheme submitted by the Imperial Mycologist, Pusa, for research on "mosaic" and other cane diseases at Pusa.	..	..	..	..	..	..	..	..	..	..	..	..	..	65,000 (3 years)	..
2. Grant for the Government of His Highness the Maharaja of Mysore of Rs. 21,000 spread over a period of five years for the breeding of thick canes.	..	..	..	..	..	..	..	..	..	..	..	21,000 (5 years)	..	..	..
3. Chief Economist. (Enquiry into the cost of production of crops in the principal sugarcane and cotton tracts in India and cost of meetings.)	..	..	..	..	..	..	..	..	..	..	..	..	..	..	68,800 (3½ years)
4. Scheme for the establishment of a new branch of Agricultural Meteorology (under the Indian Meteorological Department at Poona).	..	..	..	..	..	..	..	..	..	..	..	..	..	56,000 (3 years)	..
5. Experimental consignment of mangoes to the Empire Marketing Board.	..	..	9,520	..	..	..	..	..	..	..	..	..	..	..	..
6. Scheme for the constitution of a Statistical Section under the Imperial Council of Agricultural Research as the nucleus of the proposed Bureau of Agricultural Intelligence.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	35,000 (3 years)
7. Appointment of Veterinary Investigation Officers in provinces (Rs. 4,50,000) spread over five years in each province.	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	..	..	50,000	..	..	..	..
8. Appointment of Statistician for the compilation of certain statistics relating to feeding scales, etc., in military dairies.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	7,800 (2 years)
Total ..	50,000	50,000	59,520	50,000	50,000	50,000	50,000	50,000	..	..	50,000	21,000	..	1,21,000	1,11,600
					Schemes sanctioned and financed in 1933-34.										
9. Scheme for a research and testing station for the indigenous system of *gur* and sugar manufacture, drawn up by the Sugar Technologist, Imperial Council of Agricultural Research.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1,67,380 (5 years)
10. Indian Sugar Trade Information Service.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	34,100 (5 years)
11. Enquiry into the production of sugar-cane and cotton crops and cost of meetings (Rs. 4,42,700) spread over 3½ years in each province.	52,300	25,700	87,600	52,300	67,400	37,100	52,300	..	..	..	16,000	16,000	16,000	..	20,000

Statement showing research schemes sanctioned and financed by the Imperial Council of Agricultural Research in 1932-33 and 1933-34—contd.

Scheme.	Madras.	Bengal.	Bombay.	United Provinces.	Punjab.	Bihar and Orissa.	Central Provinces.	Assam.	Burma.	North-West Frontier Province.	Hyderabad.	Mysore.	Baroda.	Central Government.	Imperial Council of Agricultural Research.
					Schemes sanctioned and financed in 1933-34—contd.										
12. Application from the Director, Imperial Institute of Agricultural Research, Pusa, for a grant of Rs. 37,000 spread over five years for research work on the genetics of sugar-cane at the Imperial Cane-breeding Station, Coimbatore.	..	..	..	..	..	..	..	..	..	..	..	..	..	37,000 (5 years)	..
13. Research on sugar and Sugar-cane Research Station (Rs. 4,32,400).	1,50,100 (5 years)	..	..	1,01,300 (5 years)	1,33,000 (5 years)	..	..	48,000 (5 years)	..	..	..	..	..	..	..
14. Grant to Principal, Agra College, Agra, for investigation into the rusts of wheat and barley.	..	..	..	54,600 (2 years)	..	..	..	..	..	..	..	..	..	..	..
15. Award of a prize for a bone crusher.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
16. Grant to Punjab Government for Locust research.	..	..	..	..	11,800 (2 years)	..	..	..	..	..	..	..	..	..	7,000 (The period over which this expenditure is to be spread is not fixed.)
17. Grant to the Government of Madras for research work on potatoes.	20,000 (5 years)	..	..	..	..	..	..	..	..	..	..	..	..	..	..
18. Fruit research schemes (Rs. 4,75,200).	66,100 (5 years)	57,000 (5 years)	90,200 (3 years)	1,60,800 (5 years)	11,100 (5 years)	90,000 (5 years)	..	..	..	..	..	..	..	..	..
19. Grant to His Exalted Highness the Nizam's Government for improvement of the castor crop in India.	..	..	..	..	..	..	..	..	..	..	32,800 (5 years)	..	..	..	..
20. Scheme from the Government of the Punjab for investigation into the most suitable and economic methods of combating different types of parasitic infection ruminants in the field concurrently with experiments to determine whether certain mineral deficiencies tend to lower animal resistance to parasitic infection.	..	..	..	..	20,100 (3 years)	..	..	..	..	..	..	..	..	..	..
21. Grant to the Government of Bombay of £500 (Rs. 6,667) on account of deputation of Dr. B. N. Uppal, Plant Pathologist to Government to foreign countries to study various diseases of plants.	..	..	6,700 (1 year)	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	2,88,500	82,700	1,84,500	3,69,000	2,43,400	1,27,100	52,300	48,000	..	..	48,800	16,000	16,000	37,000	2,28,480

List of schemes sanctioned by the Imperial Council of Agricultural Research, but awaiting provision of funds.

Serial No.	Schemes	Cost.	Province.
		Rs.	
1	Tobacco Expert for Bengal (5 years) ..	1,33,150	Bengal.
	Tobacco Expert for Madras (5 years) ..		Madras.
	Tobacco Expert for Punjab (2 years) ..		Punjab.
2	Application from the Government of Bombay for a grant for research in sheep-breeding (for 10 years)	85,122	Bombay.
3	Application from the Government of Assam for a grant for investigation in fruit cultivation in Assam	37,424	Assam.
4	Application from the Government of Bengal for a grant of Rs. 65,579 for research into diseases of poultry in Bengal	65,579	Bengal.
5	Research in the cytological study of Indian crop plants (5 years)	25,830	Madras.
6	Scheme for the investigation of tuberculosis and Johne's disease among animals ..	2,00,000	Imperial Institute of Veterinary Research, Muktesar.
7	Application from the Government of Madras for a grant for research in oil seeds in Madras	57,100	Madras.
8	Scheme for conducting research in warble flies at the Muktesar Institute at a cost of ..	32,400	Imperial Institute of Veterinary Research, Muktesar.
9	Application from the Government of the United Provinces for a grant of Rs. 38,566 for research on sunn hemp	34,266	United Provinces.
10	Animal nutrition research scheme, Bangalore	..	Imperial Institute of Agricultural Research, Pusa.
11	(*iii*) Value of oil cakes and oil seeds for working bullocks	45,490	Do.
	(*iv*) Extension of laboratory facilities ..	23,100	Do.
12	Extension of sewage farm investigations with special reference to papaya and plantain in cultivation (3 years)	18,340	Mysore.
13	Scheme by Dr. P. E. Lander for determining the feeding values of certain food grains, oil seeds and oil cakes for working bullocks and dairy cattle	38,570	Punjab.
14	Statistical basis of the estimates of production of crops in India	5,000	Imperial Council of Agricultural Research.
15	Feeding values of oil-seeds, cakes and other concentrates to milch animals	46,530	Pusa.

***List** of schemes sanctioned by the Imperial Council of Agricultural Research, but awaiting provision of funds*—contd.

Serial No.	Schemes.	Cost.	Province.
		Rs.	
16	Dr. Puri's scheme for work on the standardization of physico-chemical single value measurements most suitable for Indian soils (5 years)	13,500	Punjab.
17	Application from Dr. Thapar for investigation into helminthiasis of cattle, sheep, etc. ..	19,790	United Provinces.
18	Application from the Government of Madras for a grant for research on rural pisiculture ..	47,660	Madras.
19	Application from the Bihar and Orissa Government for a grant for research on the economic of irrigation from tube-wells	73,680	Bihar and Orissa.
20	Application from the Government of Assam for a grant for a scheme of cattle nutrition ..	69,788	Assam.
21	Punjab Government scheme for the installation of wheat milling and baking laboratory at Lyallpur.	22,300	Punjab.
22	Study of the composition and nutritive value of milk of the cow, buffalo and goat ..	50,588	Pusa.
23	Research into the indigenous drugs of India with special reference to the toxicology ..	73,080	Madras.
24	Scheme for the development of methodology in rural research by the Viswa Bharati Institute of Rural Reconstruction Sriniketan (3 years)	18,750	Bengal.
25	Application from the Government of Bombay for a scheme of poultry breeding research in Western India	13,045	Bombay.
26	Application from the Government of the North-West Frontier Province for a grant for a sugar-cane research scheme	64,250	North-West Frontier Province.
27	Application from the Government of Burma for a scheme of research into parasites to control the beetle pest of sugar-cane in Burma ..	11,200	Burma.

RESEARCH SCHEMES SANCTIONED BY THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

195. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the names of the different schemes of researches which were not approved with the names of the provinces and the names of the research laboratories which submitted such schemes to the Governing Body of the Imperial Council of Agricultural Research?

(*b*) Will Government be pleased to state the percentage of schemes submitted by the Madras Government and approved and the percentages of schemes submitted by each of the other provinces and approved?

(*c*) Is it a fact that schemes of research submitted by other provincial Governments are not considered till a similar research scheme with minor additions and alterations are received from the Madras Government ? If so, why ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) and (*b*). Statements are laid on the table.

(*c*) No. It is not clear what the Honourable Member has in mind and what it exactly is with which he is not satisfied. If he were to apprise me of it, I will be glad to look into it. I am sure he does not wish me to start a fishing enquiry.

List of schemes not approved by the Imperial Council of Agricultural Research.

Serial No.	Schemes.	Province.	Research laboratory.
	(I)—*During 1929.*		
1	Financial assistance to the National Horse Breeding and Show Society of India.	Delhi.	....
	(II)—*During 1930.*		
2	Appointment of Research Officer at the Imperial Institute of Veterinary Research, Muktesar, to investigate into contagious abortion among domestic animals.	Central Government..	Imperial Institute of Veterinary Research, Muktesar.
3	Appointment of a Research Officer for equine diseases at the Imperial Institute of Veterinary Research.	Do. ..	Do.
4	Establishment of a Veterinary Institute in the Central Provinces.	Central Provinces Government.	....
5	Application for a grant-in-aid towards experiments in the utilisation of sewage for manurial purposes by different methods conducted by the Nagpur municipality at the sewage farm.	Do. ..	....
6	Financial assistance to the National Horse Breeding and Show Society of India.	Delhi.	....
7	Application from the United Planters' Association of Southern India, Madras, for a grant in connection with the campaign against the coffee berry borer, *Stephanoderes Hempei*.	Madras Government.	....
8	Award of a prize of Rs. 1 lakh for sugar-cane crusher.	Imperial Council of Agricultural Research.	....

List of schemes not approved by the Imperial Council of Agricultural Research—contd.

Serial No.	Schemes.	Province.	Research laboratory.
	(III)—*During 1931.*		
9	Experiments on manuring and marketing new types of barley.	United Provinces.	....
10	Bee-keeping	Central Government.	....
11	Production of agricultural cinema films	Imperial Council of Agricultural Research.	....
	(IV)—*During 1932.*		
12	Research work on plant physiology ..	United Provinces ..	Benares University.
13	Studies on electroculture	Mysore ..	Indian Institute of Science.
14	Marketing of the ground nut crop of the South Arcot District.	Madras ..	Annamalai University.
15	Work on the photo-chemical aspect of the nitrification in soils.	United Provinces ..	Allahabad University.
16	Research on the destruction of insect pests and harmful bacteria with the aid of ultra-sonic waves.	Do. ..	Do.
17	Investigation of the traffic of live-stock through Bihar and Orissa.	Bihar and Orissa.	....
18	Research on diseases of poultry ..	Imperial Council of Agricultural Research.	....
19	Development of R. E. I. Dairy of Radhaswami Sat Sangh Sabha, Agra.	United Provinces.	....
20	Equipping the Allahabad Agricultural Institute.	Do.	....
21	Application from Mr. A. R. Srinivasa Rao for conducting certain experiments in sugar-cane.	Madras.	....
22	Sugar-cane insect pests scheme ..	Government of India.	....
23	Sericulture scheme	Madras.	....
24	Water requirements of crops scheme ..	Punjab.	....
25	Improvement of the tea industry ..	Do.	....
26	Experiments on tractors at the Pusa farm	Government of India.	....
	(V)—*During 1933.*		
27	Application for enquiry into minerals in pastures and fodders and study of mineral requirements of cattle (Rs. 26,520 for three years).	Government of India.	....

List of schemes not approved by the Imperial Council of Agricultural Research—concld.

Serial No.	Schemes.	Province.	Research laboratory.
	(V)—*During 1933*—contd.		
28	Introducing blood analysis in animal nutrition work (Rs. 32,766 for three years).	Government of India.	....
29	Application for a grant of Rs. 82,821 spread over a period of 10 years for research in goat-breeding.	Bombay.	....
30	Application from the Director of Agriculture, Bombay, for a grant of Rs. 2,000 for a scheme for holding an all-India mango show in Bombay.	Do.	....
31	Application from the Director, Zoological Survey of India, for a grant of Rs. 1,500 for one year for carrying out investigations on the plant galls of India by Mr. M. S. Mani.	Government of India.	....
32	Scheme for the investigation and cultivation of medicinal plants in the Punjab at a cost not exceeding Rs. 70,470 spread over a period of five years.	Punjab.	....
33	Application for a grant of Rs. 1,01,970 spread over a period of five years for investigation into indigenous drug plants of the United Provinces and their effective expansion as agricultural crops.	United Provinces.	....
34	Application from the Coorg Administration for research work into the selection of the most suitable breed or breeds of Indian cattle, Coorg.	Coorg.	....

Statement showing the percentage of research schemes approved by the Imperial Council of Agricultural Research for each province to the total number of schemes submitted by it.

	Per cent.	
Madras	75	(15 out of 20).
Bombay	88·2	(15 out of 17).
Bengal	100	(20 out of 20).
United Provinces	70·8	(17 out of 24).
Punjab	84·2	(16 out of 19).
Burma	100	(5 out of 5).
Bihar and Orissa	92·3	(12 out of 13).
Central Provinces	71·4	(5 out of 7).
Assam	100	(6 out of 6).
North-West Frontier Province ..	100	(2 out of 2).
Hyderabad	100	(3 out of 3).
Mysore	87·5	(7 out of 8).
Baroda	100	(1 out of 1).

PERCENTAGE OF EMPLOYEES IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH FROM THE MADRAS PRESIDENCY.

196. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state the percentage of employees in the Imperial Council of Agricultural Research Department from the presidency of Madras and the percentage of men from each of the other provinces drawing Rs. 100 per mensem and above?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: 25 per cent. A statement is laid on the table.

Statement showing the percentage of employees under the Imperial Council of Agricultural Research from Madras and other provinces drawing Rs. 100 per mensem and above.

Province.	Total No. 56. Per cent.
Madras	25
Bombay	1·8
Bengal	7·1
United Provinces	14·2
Punjab	42·6
Burma	..
Bihar and Orissa	..
Central Provinces	..
Assam	..
North-West Frontier Province	..
Others (three Europeans and two Baluchis)	9

NAMES OF EMPLOYEES UNDER THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH ENGAGED IN RESEARCH WORK.

197. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state the names of the employees under the Imperial Council of Agricultural Research engaged in the research work sanctioned by the Imperial Council of Agricultural Research with the names of the provinces to which they belong? If not, why not?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: A statement is laid on the table.

Statement showing the names of the employees under the Imperial Council of Agricultural Research engaged in the research work sanctioned by the Council with the names of the provinces to which they belong.

Serial No.	Names.	Province to which they belong.
1	Mr. R. C. Srivastava, Sugar Technologist, Imperial Council of Agricultural Research.	United Provinces.
2	Mr. M. Vaidyanathan, Statistician, Imperial Council of Agricultural Research.	Madras.
3	Mr. R. D. Kapur, Chief Economist, Imperial Council of Agricultural Research.	Punjab.

Statement showing the names of the employees under the Imperial Council of Agricultural Research engaged in the research work sanctioned by the Council with the names of the provinces to which they belong -contd.

Serial No.	Names.	Province to which they belong.
4	Rao Sahib Y. Ramchandra Rao, Locust Research Entomologist, Imperial Council of Agricultural Research.	Madras.
5	Dr. K. R. Karandhikar, Assistant Locust Research Entomologist.	Bombay.
6	Mr. K. D. Baweja, Locust Research Assistant	Punjab.
7	Mirza Ahmad Ali Khan, Locust Research Assistant ..	Baluchistan.
8	Mr. D. R. Bhatia, Locust Research Assistant	Punjab.
9	Mr. A. C. Sen, Locust Research Assistant	Bengal.
10	Mr. M. Taqi, Locust Research Assistant	Punjab.
11	Mr. K. P. R. Kartha, Statistical Assistant, Imperial Council of Agricultural Research.	Madras.
12	Mr. A. M. Livingstone, Marketing Expert, Imperial Council of Agricultural Research.	European.

NAMING OF ROADS IN NEW DELHI.

198. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it a fact that all the main roads in New Delhi have been named in commemoration of the names of higher European officials of the Government of India from the Governors General to Chief Engineers and even State officers ? If so, will Government be pleased to state how many main and important roads in New Delhi have been named in commemoration of the names of Indian officials who held posts of Executive Councillors, High Court Judges, Secretaries to the Government of India and other similar posts under the Government of India ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Most of the main roads in New Delhi have been named after persons who have left their mark upon the history of India, Indian and European. A list of the main roads in New Delhi has been placed in the Library of the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Is it a fact that a small bye-lane has been named Atul Grove in memory of the services of Sir Atul Chatterjee, Member in charge of the Department of Industries and Labour and Public Works ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That particular case will need inquiry.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state the reasons why a big and important thoroughfare has been named as Keeling Road in memory of the Chief Engineer of New Delhi, as against Atul Grove in memory of a Member of His Excellency the Viceroy's Council ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : It is impossible for me to answer such questions without going into each individual case and finding out reasons for the names that were given at the time. If the Honourable Member is really interested in this fascinating subject the best thing for him would be to prepare a carefully considered scheme for re-naming these roads and approach the right authority, which I understand is the municipality of New Delhi, to see what can be done.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Is it a fact that a big important thoroughfare has been named as Hailey Road in memory of Sir Malcolm Hailey, an ex-Member of the Executive Council of His Excellency the Viceroy ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I can tell you about one thing, Sir,—that I have not seen any road associated with my name. (Laughter.)

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will the Government be pleased to state why important thoroughfares——

THE HONOURABLE THE PRESIDENT : You have put a sufficient number of supplementary questions. Will you please proceed with the next question ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : It is an important question. May I give notice of it, Sir ?

THE HONOURABLE THE PRESIDENT : Yes.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state if the Indian Members of the Executive Council have left no mark on the history of India ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That again is a subject which one would feel very anxious to study carefully before giving an answer.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Will Government be pleased to state why important thoroughfares have not been named after Lord Sinha, Sir Bhupendra Mitra, Sir Brojendra Mitter, Sir Ali Imam, Sir Muhammad Shafi and other distinguished Executive Council Members of His Excellency the Viceroy ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Why should the Honourable Member consider that the future extension of New Delhi will not admit of these names being immortalised ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to consider over the matter and name some of the roads after official and non-official Indians as well ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Does it mean Members of this Council as well ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: It is too much to expect this from the Government! When I put the question I was talking about official and non-official Indians who have made their mark on the history of India.

NAMING OF ROADS IN NEW DELHI.

199. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state how many roads in New Delhi have been named in commemoration of the names of public and philanthropic men of India and specially of Delhi, both Hindus and Muslims?

(*b*) Is it a fact that no roads in New Delhi have been named in commemoration of the names of public men of Delhi like Hakim Ajmal Khan and others? Will they be pleased to state the reasons for avoiding such names when roads are named by the New Delhi Municipal Committee?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) Prominent roads have been named in New Delhi after famous Indian sovereigns, Hindu and Muslim, such as Asoka, Prithviraj, Humayun, Akbar, Aurangzeb and Kings of the Lodi dynasty.

(*b*) No road bears the name of Hakim Ajmal Khan. The Honourable Member should send his proposals to the New Delhi Municipal Committee, which will give to them the consideration they deserve.

THE HONOURABLE MR. HOSSAIN IMAM: Is that Committee a nominated or an elected one?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Surely the Honourable Member knows the constitution of the Committee under which he passes several months of his life every year?

THE HONOURABLE MR. HOSSAIN IMAM: Suppose I do not know, Sir.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: He has only to go to the reference library to enlighten himself.

POSTS IN THE MINISTERIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA CARRYING SPECIAL PAY.

200. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the posts in the ministerial establishments of the Government of India Secretariat that carry special allowances and will Government be pleased to state the reasons for which such allowances are granted?

(*b*) Is it a fact that an allowance is paid to the cashiers for their responsibility in handling money?

(*c*) Will Government be pleased to state the names of the departments where cashiers do not go to the bank for bringing the monthly salaries of the establishment and the reasons for the grant of special allowances to such cashiers?

THE HONOURABLE MR. M. G. HALLETT: (*a*) I lay on the table a statement which gives the necessary information.

(*b*) Yes, but that is only one of the several reasons for which special pay is granted to cashiers.

(*c*) In view of the reply given to parts (*a*) and (*b*), I do not think it will serve any useful purpose to collect the information.

Statement showing ministerial posts in the Government of India Secretariat carrying special pay and the reasons for which it is granted.

Name of Department.	Name of post.	Amount of special pay per mensem.	Reasons for which the special pay is granted.
	Superintendents.		
Finance	Chief Superintendent	100	For holding charge of the Issue, Cash and General Sections in addition to a regular branch, and for discharging certain duties which formerly used to be performed by an Assistant Secretary.
Army	Personal Assistant to Army Secretary.	100	For discharging duties which formerly used to be performed by a Registrar.
	Assistants.		
Home	Assistant-in-charge, Jails Section.	75	For holding charge of a section.
Finance (Military)	Assistant-in-charge— (*i*) Finance Section Royal Air Force. (*ii*) Rates and Provision Section. (*iii*) Budget Section. (*iv*) Finance Section, Quartermaster General's Branch, (B) Group.	100 each.	
Railway	Three Assistants-in-charge.	100 each.	
Army	(*i*) Assistant-in-charge, Medal Section.	100	
	(*ii*) Assistant-in-charge, Section, A. D. S.	50	
Industries and Labour.	Assistant-in-charge, General Branch.	50	

Statement showing ministerial posts in the Government of India Secretariat carrying special pay and the reasons for which it is granted—contd.

Name of Department.	Name of post.	Amount of special pay per mensem.	Reasons for which the special pay is granted.
	Assistants—contd.		
Legislative ..	Personal Assistant to the President, Council of State.	100	For special responsibilities attaching to the post.
Legislative Assembly	Private Secretary to the President, Legislative Assembly.	100	
	Stenographers.		
Home, Finance, Legislative, Commerce, Education, Health and Lands and Industries and Labour Departments.	Personal Assistant to the Honourable Member in charge of the Department.	150 each.	For working odd hours, and because of the arduous, responsible and multifarious nature of their duties.
Legislative Assembly	Stenographer attached to the Honourable the President of the Legislative Assembly.	50	For working odd hours and attending office frequently on holidays.
All Departments ..	Stenographers attached to Secretaries or Joint Secretaries.	50 each.	
Military Finance ..	Stenographers attached to Financial Adviser, Military Finance.	50	
Imperial Council of Agricultural Research.	Stenographer attached to Vice-Chairman.	50	
Railway	Stenographers attached to Chief Commissioner, Railways, Financial Commissioner, Railways, Member, Railway Board, Director of Finance and Secretary, Railway Board.	50 each.	
	Clerks, 2nd division.		
Commerce ..	Cashier ..	75	For holding charge of the Cash Branch and for the reason that the appointment carries heavy responsibility and involves the undertaking of work of a more independent type than falls to the lot of most 2nd division clerks.
Industries and Labour.	Cashier	75	
All other Departments.	Cashiers	50 each.	

Statement showing ministerial posts in the Government of India Secretariat carrying special pay and the reasons for which it is granted—concld.

Name of Department.	Name of post.	Amount of special pay per mensem.	Reasons for which the special pay is granted.
Home, Finance, Foreign and Political, Legislative, Education, Health and Lands, Railway and Legislative Assembly.	Supervisor, Issue Branch.	50 each.	For holding charge of the Issue Branch.
Commerce ..	Supervisor, General Branch.	50	For holding charge of the General Branch.
	Librarian	25	For arduous and technical nature of the duties of the post. The special pay is subject to reduction or withdrawal when the incumbent's pay *plus* special pay exceeds Rs. 300 per month.
Foreign and Political	Clerk-in-charge, Government Toshakhana.	50	For holding charge of Government Toshakhana.
	Salvage clerk ..	25	The special pay is given during the Simla season only. The special pay is given because the work which the recipients of special pay are required to perform is outside their normal duties.
	Fire clerk	25	
Military Finance ..	Clerk	50	For performing the duties of stenographers.
	Clerk	25	
Army Department	Clerk	20	For performing the duties of stenographer to the Director, Military Lands and Cantonments, in addition to his own.
Industries and Labour.	Clerk-in-charge, R. and I. Branch.	50	For holding charge of the R. and I. Branch.

INTRODUCTION OF NEW RATES OF PAY FOR TECHNICAL PERSONNEL EMPLOYED IN THE MILITARY FARMS DEPARTMENT, MILITARY ENGINEER SERVICES AND INDIAN ORDNANCE DEPARTMENT.

201. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state whether any new rates of pay have been introduced or are proposed to be introduced for the technical personnel employed in the Military Farms Department, Military Engineer Services and the Indian Ordnance Department? If so, whether the new rates will apply to persons of Asiatic domicile only or to those of non-Asiatic domicile as well? If only to the former, what are the reasons for this distinction between the two?

(*b*) Is it a fact that overseas allowance and passage concession are applicable to those of non-Asiatic domicile? If so, will Government be pleased to state the reasons for not reducing their scales of pay?

NEW RATES OF PAY AND APPLICATION OF SAME TO NEW ENTRANTS.

202. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state whether the new rates apply or will be made to apply to persons employed after a certain date?

(*b*) If the reply be in the affirmative were the men appointed after that date given any notice in writing at the time of employment that the new rates when introduced will or may apply to them?

(*c*) If not, how do Government propose to safeguard the interests of such employees?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : With your permission, Sir, I propose to answer questions Nos. 201 and 202 together.

The matter is to a certain extent still under consideration, and a final decision has not yet been arrived at.

NUMBER OF ORDNANCE FACTORIES WITH THEIR DESIGNATION AND LOCATION.

203. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government please state the number of Ordnance Factories with their designation and location in India.

(*b*) Will Government be pleased to state the number of Indians, Anglo-Indians and Europeans employed in the following appointments in each factory :

(*i*) Works manager,
(*ii*) Assistant works manager,
(*iii*) Principal foreman,
(*iv*) Foreman,
(*v*) Assistant foreman,
(*vi*) Chargeman?

(*c*) Is it a fact that whenever a vacancy occurred in a grade above that of a chargeman a European or an Anglo-Indian was entertained either from England or through the Public Service Commission and that very seldom Indians are promoted or recruited direct to such a vacancy?

(*d*) Will Government be pleased to state whether any posts in any of the grades mentioned in part (*b*) above have fallen vacant within the last one year? If so, (*i*) in what grades and whether these were filled by promotion within the Department or by recruitment from outside? (*ii*) If the latter, will Government be pleased to state whether these posts were advertised in India? If so, please state the number of applications received from Indians holding Engineering degrees of the Indian Universities or with English qualifications?

(*e*) Will Government be pleased to state whether the vacant posts were filled by Europeans or were any Indians entertained?

(*f*) Is it a fact that the Ordnance Department is a closed preserve for Europeans? If not, what steps have Government ever taken to Indianize the Department in the matter of higher appointments?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (*a*) and (*b*). A statement giving the required information is laid on the table.

(*c*) Direct recruitment is carried out by the Public Service Commission, or where special qualifications are required, by the High Commissioner for India. The applications of all candidates whether Indians, Anglo-Indians or Europeans are considered. Indians possessing the necessary qualifications have received promotion to grades above that of chargeman, but up to the present the Public Service Commission has been able to obtain only one Indian of suitable qualifications and he is now under training as an Assistant Works Manager.

(*d*) Vacancies have occurred in all the grades mentioned, and have in some cases been filled by promotion and in others, from outside. In the case of the latter, three were advertised in India by the Public Service Commission and 170 applications were received, of which the number of applicants with Indian qualifications was 40 and of those with British qualifications 35.

(*e*) Indians were also appointed.

(*f*) The answer to the first part of the question is in the negative, and consequently the second part does not arise.

Statement giving the number of Indians, Anglo-Indians and Europeans employed in certain appointments in the seven Ordnance Factories in India.

—	Works managers.	Assistant works managers.	Principal foremen.	Foremen.	Assistant foremen.	Chargemen.	Remarks.
1. Metal and Steel Factory, Ishapore—							
Indians ..	..	..	..	1	3	7	
Anglo-Indians ..	..	..	..	..	1	6	
Europeans ..	2	3	1	14	9	3	

Statement giving the number of Indians, Anglo-Indians and Europeans employed in certain appointments in the seven Ordnance Factories in India—contd.

—	Works managers.	Assistant works managers.	Principal foremen.	Foremen.	Assistant foremen.	Chargemen.	Remarks.
2. Gun Carriage Factory, Jubbulpore—							
Indians ..	..	..	..	..	3	20	
Anglo-Indians ..	..	..	..	..	3	1	
Europeans ..	2	3	1	9	10	5	
3. Ammunition Factory, Kirkee—							
Indians ..	..	..	..	..	2	10	
Anglo-Indians ..	..	..	..	..	..	5	
Europeans ..	2	3	1	7	12	12	
4. Cordite Factory, Aravankadu—							
Indians ..	..	..	..	..	..	8	
Anglo-Indians ..	..	..	..	..	1	1	
Europeans ..	1	4	1	5	12	4	
5. Rifle Factory, Ishapore—							
Indians ..	..	1*	..	..	2	17	*Under training.
Anglo-Indians ..	..	..	..	..	..	..	
Europeans ..	1	3	1	11	14	1	
6. Gun and Shell Factory, Cossipore—							
Indians ..	..	..	..	..	..	6	
Anglo-Indians ..	..	..	..	..	..	4	
Europeans ..	1	2	2	7	11	..	
7. Harness and Saddlery Factory, Cawnpore—							
Indians ..	..	..	..	..	4	10	
Anglo-Indians ..	..	..	..	..	..	2	
Europeans ..	1	3	1	5	4	3	

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to withdraw the next three questions standing against my name.

THE HONOURABLE THE PRESIDENT: Very well.

ANGLO SOVIET COMMERCIAL AGREEMENT OF 1934.

204. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly lay the Anglo-Soviet Trade Agreement on the table of this House ?

THE HONOURABLE MR. T. A. STEWART: I would refer the Honourable Member to the reply given to his question No. 118 on the 12th April last. A copy of the Anglo-Soviet Commercial Agreement of 1934 has since been placed in the Library of the Legislature.

REMOVAL OF INCOME TAX OFFICES IN LAHORE.

205. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (*a*) Are Government aware that the Income tax Offices at Lahore have recently been removed from spacious buildings to a flat of the Allahabad Bank building ?

(*b*) Is it a fact that the space in the new premises is smaller and that the public concerned is put to hardship and inconvenience ?

(*c*) Is it a fact that there is no waiting accommodation on the flat for the assessees who attend the offices on business and that they have to wait on the roadside ?

(*d*) Is it a fact that the tables of inspectors connect with each other in such a manner that the various assessees overhear each other when their account books or income statements are examined or discussed ?

(*e*) Is it also a fact that in these circumstances it is not possible to maintain secrecy of accounts and that Government are violating their pledge in this connection ?

(*f*) What steps do Government propose to take to remove the grievances of the public concerned and to ensure the secrecy pledged by Government in this connection ? If none, why ?

THE HONOURABLE SIR ALAN PARSONS: (*a*) The offices have recently been removed from congested quarters in four residential buildings and a godown to a modern office flat and a larger residential building with 12 per cent. more office space and additional waiting accommodation. The new offices are a mile nearer the business quarter of the city than the old ones.

(*b*) No. The new offices contain 11,500 square feet actual office space in addition to ample entrance lobbies; the old offices had only 10,300 square feet.

(*c*) No. There is ample waiting accommodation in the entrance lobby on the ground floor of the Allahabad Bank building.

(*d*) No. There are partitioned cubicles not within sight or ordinary hearing of others.

(*e*) and (*f*). Do not arise.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Are not the inspectors' tables so placed that the income-tax assessees concerned overhear each other ?

THE HONOURABLE SIR ALAN PARSONS: The information which I have received and which I have given to the Honourable Member is that the tables are not so placed that ordinarily assessees could overhear each other.

PRESENT CONSTITUTION OF THE BAR COUNCILS.

206. THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Are Government aware that there is much dissatisfaction in legal circles with the present constitution of the Bar Councils ?

THE HONOURABLE MR. M. G. HALLETT: No, Sir. The opinions received on a Bill to amend the Indian Bar Councils Act which was introduced in the other House in March, 1933, and which sought *inter alia* to effect a change in the constitution of Bar Councils do not give any indication of any general dissatisfaction with the constitution of the Bar Councils.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Is Government aware that two prominent members of the Bar at Allahabad have resigned from the Bar Council ?

THE HONOURABLE MR. M. G. HALLETT: No, Sir, we have no information on the subject.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Will Government be pleased to call for a report from the High Court as to the working of the Bar Council ?

THE HONOURABLE MR. M. G. HALLETT: I do not think there is any necessity for that, Sir. The High Court can itself represent to the Government.

APPOINTMENT OF MR. C. D. JORDON AS SALES MANAGER, NORTH WESTERN RAILWAY.

207. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state whether it is a fact that on the North Western Railway a senior scale cadre post which was held in abeyance has been revived a few months ago for the appointment of a Sales Manager ?

(*b*) Will Government be pleased to state whether it is a fact that :

(*i*) One Mr. C. D. Jordon, an officer of the lower gazetted service, has been appointed to officiate in the senior scale on this railway ;

(*ii*) Mr. C. D. Jordon is junior to about fifteen officers in the junior scale, some of whom have also passed the efficiency bar, and is junior to a few officers in the lower gazetted service itself ;

(*iii*) Chapter 12 on page 6 of the North Western Railway Organization Manual authorises the Agent to make such an appointment only if there are no junior scale officers available ?

(*c*) If the answers to the above question (*b*) are in the affirmative will Government be pleased to state the circumstances in which the claims of the officers, particularly those in the junior scale, have been passed over for this officiating appointment in the senior scale ?

(*d*) Will Government be pleased to state whether the Railway Board's sanction was obtained for this appointment ? If not, why not ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) Yes.

(*b*) (*i*) and (*ii*). Yes.

(*iii*) and (*d*). The orders referred to by the Honourable Member have since been superseded and the existing orders are that ordinarily officiating posts in the senior scale should be filled by junior scale officers, but if a suitable junior scale officer is not available or cannot be made available without conflicting with the interests of the administration, a lower gazetted service officer may be appointed by the Agent without reference to the Railway Board to officiate in the senior scale.

(*c*) Government regret that they are unable to discuss the qualifications of individual officers on the floor of this House.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Is it a fact that this gentleman is about 30 places lower than the others who could have been selected and taken for this post ?

THE HONOURABLE SIR GUTHRIE RUSSELL: This officer was considered the most suitable officer by the administration of the North Western Railway and his place in the cadre does not affect the question.

EDUCATIONAL QUALIFICATIONS OF MR. C. D. JORDON, SALES MANAGER, NORTH WESTERN RAILWAY.

208. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state whether it is a fact that :

(*i*) Mr. C. D. Jordon has no University educational qualifications while the officers senior to him but in the junior scale have such qualifications ?

(*ii*) Some of the junior scale officers senior to Mr. C. D. Jordon have also a record of consistent good work in the capacity of railway officers ?

(*b*) Will Government be pleased to state whether it is a fact that some of the junior scale officers have appealed against this appointment ? If so, what reply has been given to them and how long after their appeals ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) (*i*) Government have no information regarding the educational qualifications of Mr. Jordon.

(*ii*) Possibly.

(*b*) The Railway Board have received no appeals in this connection.

THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that there are very highly placed officers even in the Railway Board with no educational qualifications ?

THE HONOURABLE SIR GUTHRIE RUSSELL: That does not arise, as far as I can see, from this question.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Do we understand that in making selections, the Government does not like to go into the qualifications of the gentlemen selected ?

THE HONOURABLE SIR GUTHRIE RUSSELL: Government obviously must go into the qualifications of the gentlemen selected.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: If that is so, Sir, why has Government not taken into consideration the qualifications of this gentleman ?

THE HONOURABLE SIR GUTHRIE RUSSELL: There are other qualifications besides educational qualifications.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May we know what these qualifications are ?

THE HONOURABLE SIR GUTHRIE RUSSELL: Practical experience.

THE HONOURABLE MR. HOSSAIN IMAM: Did not the other officers have practical experience ? Is it reserved for any particular class of officers ?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am afraid I do not know the qualifications of every individual officer.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Was he the senior-most in experience ?

THE HONOURABLE SIR GUTHRIE RUSSELL: He was the officer considered the most suitable.

APPEALS FROM THE RAILWAY DEPARTMENT.

209. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state whether it is a fact that some time back the Secretary of State addressed the Railway Board that the number of appeals from the Railway Department far exceeds that of the other departments and is abnormally high ?

THE HONOURABLE SIR GUTHRIE RUSSELL: Not so far as I am aware.

APPOINTMENT OF MR. C. D. JORDON AS SALES MANAGER, NORTH WESTERN RAILWAY.

210. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (*a*) Will Government be pleased to state whether it is a fact that the appointment of a Sales Manager on the North Western Railway has been made on the recommendations of the Pope Committee ?

(*b*) Will Government be pleased to state whether it is a fact that the opinion of the Pope Committee was that for jobs such as the Sales Managership for the Indian Railways Indians are best suited as they know the public and its requirements ? If so, why was this opinion ignored when the appointment was made on the North Western Railway ?

(*c*) Will Government be pleased to state what special qualifications Mr. C. D. Jordon has which are not possessed by his seniors who have been superseded ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) A temporary post for a Sales Manager has been sanctioned on the North Western Railway for experimental purposes.

(*b*) The reply to the first part of the question is in the negative. The latter part does not arise.

(*c*) I would refer my Honourable friend to my reply to part (*c*) of his question No. 207 of date.

NUMBER OF EMPLOYEES IN THE COMPTROLLER'S OFFICE, SHILLONG.

211. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (*a*) Will Government be pleased to state the total number of employees in the Comptroller's Office in Shillong ?

(*b*) Will Government be pleased to state how many of these employees are natives of Assam ?

(*c*) Will Government be pleased to state if there are clerks from the Assam Valley districts in this office ?

(*d*) Will Government please state if the natives of Assam or that of the Assam Valley districts are adequately represented in this office ?

(*e*) Are Government aware that there is a large number of unemployed educated young men in Assam ?

(*f*) Do Government propose to issue instructions to the officers concerned that in filling future vacancies in this office none but Assamese are appointed ?

THE HONOURABLE SIR ALAN PARSONS: I am obtaining the information for the Honourable Member and will send it to him as soon as it is received.

ABANDONMENT BY THE GOVERNMENT OF ASSAM OF THE ROAD BOARD SCHEME FOR WANT OF FUNDS.

212. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (*a*) Are Government aware that the Road Board scheme taken up by the Government of Assam was abandoned for want of funds ?

(*b*) Are Government aware that communications in Assam are bad ?

(*c*) Are Government aware that there are vast areas of land in Assam lying waste for want of means of communication ?

(*d*) Is it a fact that the Government of Assam have not sufficient funds to open roads and other communications in these areas for their development ?

(*e*) Do Government propose to help Assam with sufficient funds for the improvement of communications in this province ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) to (*e*). Presumably the Honourable Member refers to the road programme amounting to about a crore of rupees which the Government of Assam undertook a few years back and which had to be suspended owing to the prevailing financial stringency after there had been an expenditure of about Rs. 30 lakhs. The Government of

India are aware that the road system in Assam is not well developed, but compared with their financial resources the Local Government have in recent years made considerable progress in road development. The Government of India are anxious to help Assam in this matter. They have in recent years made grants to that province from the Reserve in the Road Account amounting to Rs. 3·85 lakhs, and will in future make as liberal allotments from the Reserve as may be possible. I am unable to say at present whether further assistance can be rendered, and if so to what extent, or what form the assistance might take.

STATEMENT LAID ON THE TABLE.

OTTAWA TRADE AGREEMENT RULES, 1932.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I lay on the table a copy of the further amendment made in the Ottawa Trade Agreement Rules, 1932, which were laid on the table on the 28th February, 1933.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

Simla, the 18th August, 1934.

No. 780-T. (11)/32.—In exercise of the powers conferred by sub-section (3-B) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Ottawa Trade Agreement Rules, 1932, namely :—

In the third Schedule to the said Rules, to the list of countries specified in the second column against the entry " Rum " in the first column thereof, the following shall be added, namely :—

" Leeward Islands, *i.e.*, Antigua, Dominica, Montserrat, St. Christopher-Nevis and the Virgin Islands.

Mauritius.

Trinidad.

Windward Islands, *i.e.*, Grenada, St. Lucia and St. Vincent."

T. A. STEWART,

Secretary to the Government of India.

MOTION FOR ADJOURNMENT.

RULING BY THE HONOURABLE THE PRESIDENT ON THE —— *re* FAILURE OF GOVERNMENT TO TAKE MEASURES TO CHECK THE IMPORT OF RICE FROM SIAM.

THE HONOURABLE THE PRESIDENT: Honourable Members, the Honourable Mr. Chari has given me notice of a Motion for Adjournment of the Council which reads as follows :

" I hereby give you notice of Motion for Adjournment of the Council for the purpose of debate on Monday, the 3rd September, 1934, or (if there is no meeting on Monday) on the next meeting day, to discuss a matter of urgent public importance, to wit, the failure of the Government to take emergent measures to check the unrestricted dumping of Siamese rice into Indian ports to the great detriment of the Indian rice industry ".

A Motion for Adjournment can only be made with the consent of the President and the President has to see whether that Motion is in order or is opposed to any provisions of the Standing Orders and Rules. I may say at once that I do not propose to ask the Council to give their leave to this Motion as I myself consider the Motion to be entirely out of order. I will give my reasons for holding this view. In the first place, under rule 12(5) it is laid down that a Motion for Adjournment must not deal with a matter on which a Resolution could have been moved. I may point out that a Motion did appear on the list of business of this Council on the 29th of August, 1934. The Motion was put in by the Honourable Mr. Hossain Imam as an alternative motion to his first Resolution, that is, if his first motion was barred, he would move his second Resolution which ran as follows :

" This Council recommends to the Governor General in Council (*a*) to abolish the export duty on rice exported from India, and (*b*) to impose an import duty of Rs. 1-8-0 per maund on all rice imported into India ".

However this motion was not taken up because under the rules an Honourable Member cannot move two Resolutions on one and the same day. Notice of a similar motion was given by the Honourable Mr. Chari himself in the following words :

" This Council recommends to the Governor General in Council to prohibit the import of foreign rice into British India or in the alternative to levy a prohibitive import duty on foreign rice imported into India ".

The Honourable Mr. Chari could have asked the office to put down his Resolution for discussion on the 29th August but he preferred to have his Bill relating to Hindu Woman's Inheritance taken up in preference to his Resolution and he waived his right to make this motion. Again, it could have been balloted for the 5th September, that is, for Wednesday next, but he did not make any application to obtain ballot for this motion for the 5th September. Honourable Members will see that notice of Resolutions on this subject were duly published. It was in the hands of the Honourable Mr. Chari, if he had been more diligent, to have had this motion discussed in Council. Also, on the merits, I cannot permit this motion for the simple reason that this controversy regarding the import of Siamese rice has been going on in the country since February last. It has been widely discussed in the country and my Honourable friend Mr. Chari had ample time and opportunity during the whole of this session to have placed this motion before the House. A Motion for Adjournment can only be brought in under rule 11 for discussing a definite matter of urgent public importance. I see no urgency about this motion at all. The Honourable Member himself had that opportunity some days ago and he did not take advantage of that opportunity. I therefore hold that I cannot under Standing Order 22 allow the Honourable Member to move his Motion for Adjournment.

IRON AND STEEL DUTIES BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The debate will now proceed further on the Iron and Steel Duties Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, the iron and steel industry of this country was the first industry to benefit by the policy of protection, and after the lapse of about a decade, during which it has made steady progress, we are glad to find that the industry has fully justified the support given to it. As the main basic industry of any country, the steel industry has to be fostered with particular care. The first period of protection was only an experimental measure, while the second one was fairly substantial. This time, however, when the Tariff Board Report was published, considerable anxiety was caused by the proposal to abolish even revenue duties on certain kinds of steel. This anxiety was aggravated when to this the Government added the imposition of an excise duty, the first instance perhaps when an excise has been levied on a basic industry, certainly the first time that a steel industry in any part of the world has been subjected to this impost. It is gratifying, however, to find that Government have modified their proposals at least with regard to the revenue duties, and what little advantage the industry can obtain from these will not be removed.

Coming to the Tata Iron and Steel Company, there is no need to emphasise the importance of their works to the country and the contribution they have made to our industrial development. Since protection was given about 10 years ago, and particularly since 1927, the Company has shown steady progress in their technical efficiency. Costs have gone down ; Indianization is going on at a rapid pace, and it is only the difficulty of training men quick enough that prevents the works from being completely staffed by the sons of the soil. In 1927, the Tariff Board had estimated that the costs of making steel should be lowered to a certain level ; the recent inquiry has proved that the estimates then formed have been fully maintained, and in some cases even better results have been shown than were anticipated as possible. It is only because of the trade depression, the intensity of foreign competition, and a wanton strike that the Company has been compelled to show a big loss as compared to the anticipated profits.

Particular attention should be drawn to the welfare activities of the Tata Company. When industrial development is taking place all over the country it is of special importance that the workers who come mostly from the fields should be treated in a humane manner, and in this the Company has fully succeeded by spending large sums on the provision of housing and other amenities to the labouring population. The Tata Company Works are a city in themselves, and the civic life of Jamshedpur is a creation of the Tata Company. In fact, the Company has been so generous in its provision for labour welfare that some critics have suggested that this expense is not legitimate. I would, however, be more emphatic than the Tariff Board in supporting this part of the policy of the Tatas.

The imposition of the excise duty is a most unhappy event. First of all, why should an excise be levied at all on this industry ? We all know the profound ill-feeling caused all over the country by the cotton excise, though this matter is all forgotten. When last year an excise was imposed on sugar, protests were made from all over the country. But Government sought to justify their policy by pointing out that the industry had gained too much

protection, that it was developing far more rapidly than was good for the country, and that revenues had fallen on account of these two factors. In the case of steel, it cannot be said that the industry is growing too fast ; on the contrary we need more steel works in India. Nor can we say that too much protection has been given, because this Bill proposes considerably reduced duties recommended by the Tariff Board after a very thorough inquiry. The only reason given is that there is need for revenue. But why should this need arise at all ? Why should not the duties be kept high enough to yield more revenue ? Government first reduce duties and then complain they have lost revenue, and want to make up the loss by putting on a new tax ! Moreover, why should the consumer of steel again pay after having paid so many years to make up the revenues of the country ? When protection was given to the industry, the revenues went up and the general taxpayer got the benefit. Now that the revenues are falling, why should not the taxpayer bear the loss ? Why pass it on again to the consumer ? A serious warning has to be given to all industries in India. We have all along fought for the development of industries in this country so as to establish our position in the world markets. But Government seem to have some other use for them besides this. They will seek to make up their deficits by taxing every industry which prospers. We have already a large number of excises, and the industrialists of this country will always have to be ready to pay an excise the moment they are able to stand on their own legs, and then the Government will seek to take away with one hand what the country gives them with the other.

We must also not place too much hope on the sufficiency of the protection that is now offered to the Steel Company by these duties. The last scheme of protection fell short actually by several crores, because the prices which were estimated by the Tariff Board were not realised. There was always a difference between what the Company should have got and what they actually did get. The same thing may happen again and the steel industry may probably never get what we are now told they should get. Prices may fall. The continental steel industry may reduce prices. The British steel industry has been reorganizing itself under the shelter of a 33⅓ per cent. protection, whereas what is now proposed to protect the Indian steel industry is just about 19 per cent. at the outside, and under certain conditions, may be even 12½ per cent. only. When the British and continental industries compete more severely and lower prices in India, the Indian steel industry will find that the protection given to it is not enough. Government have given an assurance that they will increase duties if they find the Company loses on account of falling prices, specially of tested material. But we must demand that Government act quickly, and not take such a long time to consider, that the markets may have become disorganized and the industry be placed in serious danger. If the British steel industry, the world pioneer in the trade, requires protection on so high a scale as 33⅓ per cent. then surely the Indian steel industry, still not strong enough to stand on its own legs, should need more protection ? Instead of that, we have an excise imposed on it and the reduced duties now levied are calculated so finely that the least change for the worse in world conditions will upset the scheme. Government must realise that the protection given is so small that they must lose no time if they find that prices are falling. But while the advantage of the import duties may disappear, the burden of the excise will remain, and in the end the new scheme of protection may mean no protection at all.

[Rai Bahadur Lala Ram Saran Das.]

Now, I must say a word about the consumers. Many complaints have been made that the Tata Company have not done this and that. Some say that they do not permit competition by cutting prices. But we have the assurance of the representatives of the industry that they will never come in the way of the progress of other industries; on the contrary, it is in their interests that the other industries, depending on steel, should thrive. Of course, we must realise that while yet the Company is fighting foreign competition, and has little of resources to afford to be generous they will take some time to adjust themselves to the needs of the smaller companies. But so long as the progress of the industry benefits the country, and this benefit is quite certain, the consumer must not refuse the little burden which he is called upon to bear, not so much for the sake of the industry, as of national interests.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, there is a long history behind the steel industry beginning from 1924. Protection to this industry was started in the year 1924, in the hope that it will enable it to compete with any other country of the world without any special protection from the Government. Sir Charles Innes the Commerce Member to the Government of India in the year 1927 while introducing the Steel Industry Bill of that year in the Legislative Assembly is said to have cherished the hope that in the passing of that Bill the Legislature will have nothing to do with measures of that sort in the future as the Steel Protection Bill of 1927, after its second passing will enable the steel industry of India to go ahead to a position in which it can meet competition in any quarter of the world on its own legs. In other words, the Steel Protection Bill of the year 1927 was the last measure of its kind, the passing of which was anticipated to put a stop to the protection period of the steel industry once for all. It was even surmised so by the Tariff Board according to their report of the year 1924. Sir Charles Innes repeated the same hope while he introduced the Steel Protection Bill in the Legislative Assembly in the year 1927.

As regards the Tariff Board Reports there have been two reports in the year 1924. The third report was published in the year 1925, in which a bounty of Rs. 18 per ton was recommended by the Board. This report was declared to be the final one but unfortunately there are six more reports after that. The first report related to pig-iron and after considering all the arguments for and against the duty on it, the Tariff Board were of opinion that the duty on pig-iron should be removed, but as there had been some strikes in the Tata Iron and Steel Works it recommended that the duty should continue for a little time longer. Thus the consumers were made to pay for the mis-management of the Tata Works in not handling the strikes properly.

Another report on galvanized sheets followed in the same year. In it was again recommended that owing to strikes in the Tata Iron Works there could be no reduction in duty, particularly on smaller orders. The next report proposed fresh duties on railway materials and so on and so forth. To say the least, in spite of definite assurances of the Tariff Board as well as the Honourable the Commerce Member, that the Steel Protection Bill of the year 1927 was the last measure of its kind, there have been constant increases and fresh duties

on every kind of steel material. Although it was anticipated that the protection period was over, it is a matter of great regret to find that it is not so, and that we have been belied in our expectations.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Rai Bahadur Lala Ram Saran Das.)

There are several objections to the specific points in the Bill under discussion. The first is that we do not know the exact amount of burden it proposes to put on the consumers. In the year 1927 the Government gave an accurate estimate of the burden that had to fall on different classes of consumers, but at present there is no clue to that effect. The Tariff Board have suggested the method by which this can be calculated, but they have given no specific estimate of the shares to be contributed by the general taxpayer.

The second objection is that the Bill as well as the Tariff Board Report is confused as to the revenue duty and the protective duty. As Honourable Members know, these duties are quite distinct and separate from each other and as such there ought to be definite differentiation in its proceeds, as every revenue duty serves the purpose of protection.

Another objection is that there is no clue as to the balance sheet of Tatas, because it has not been submitted either to the Tariff Board, the Government or the Legislature. The evidence before the Tariff Board and the representations to the Government are also not forthcoming anywhere. No effort has even been made to find out the cost of production in foreign countries such as England, America and Germany. Although the Fiscal Commission laid great stress on the enquiry in this respect, it is regretted that the Tariff Board have not considered it worth while to ascertain anything of the sort in this matter.

With regard to pig-iron there are two rates for its sale. The one relates to its sales in India and the other to those outside India. There is a difference of Rs. 11 per ton in these rates. I fail to understand what justification there can be for this difference in the sale rates of this special class of iron. On the other hand, it is feared that it will help foreigners dealing in this trade. Not only this but there are different rates for bigger firms and smaller firms. This fact is bound to injure the cause of smaller firms. I think the Honourable Members will agree with me in holding that the policy of the Tata Company in fixing different rates of sale for pig-iron is absolutely wrong and that it should be discarded as soon as possible.

As regards galvanized sheets there was a duty of Rs. 45 per ton in 1924. It was reduced to Rs. 30 per ton a little later. Owing to the Ottawa Agreement the duty on non-British makes has been raised to Rs. 83 per ton. The duty on British goods is Rs. 53 and for British goods made out of Indian bar it is Rs. 30 per ton. The goods made of Indian bars were the monopoly of Tata. These could not be sold by any other person till Tatas had sold out their entire stock nor could these be imported from outside. This means that Tatas had sold their goods not with regard to the duty of 30 per cent. but with regard to the higher rate of duty of 53 per cent. which was absolutely unjustifiable.

[Major Nawab Sir Mahomed Akbar Khan.]

Now, Sir, as regards the profits granted to the Tata Iron and Steel Company there are three kinds of profits. These are (1) the visible profits, (2) the invisible profits and (3) the latent profits. Visible profits stand at Rs. 1 crore 5½ lakhs, *vide* page 43 of the Indian Tariff Board's Report, 1934. Invisible profits are calculated at Rs. 93¾ lakhs, *vide* page 54 of the same report. Latent profits accrued owing to the fluctuation of prices are estimated at Rs. 12 lakhs. Besides these profits there is an extra profit which is called in my language Pashto as *chunga** and which can better be described as an extra profit. When a customer goes to a shop to purchase a thing he pays the price of the thing acquired and after that he asks for something more over and above the quantity of the thing for which he has made payment and the shopkeeper in order to satisfy the demand of the customer gives him something more than his rightful demand simply out of courtesy and this portion of the bargain is called *chunga* or the extra part of the bargain. The profit under this heading, *i.e.*, the extra profit is estimated at Rs. 18 lakhs. The Tariff Board have calculated the rate of interest at 6 per cent. but I differ because a concern like Tatas, a well established concern, can get money at 4 per cent. from anybody, because Government loans are floated now at 3 per cent. and a concern like the Tatas can easily get money at 3½ per cent., at the most at 4 per cent., and I have made all my calculations at 4 per cent. Well, Sir, all these four profits aggregate to Rs. 2 crores and 25 lakhs which the Tata Company is making good in their trade every year. According to this estimate the consumers and taxpayers have given the Tata Company nearly Rs. 16 crores during the last seven years. The present Bill provides them with another income of a little over Rs. 16 crores during the next seven years at the rate of Rs. 2 crores and 29 lakhs of profit per annum. If you multiply that by seven you will get the figure. The consumers will thus pay the Company a little over Rs. 32 crores against the contribution of about Rs. 10·45 crores by the shareholders. Now I ask whether the Tata Company belongs to the shareholders or the consumers who have given them Rs. 22 crores over and above their capital of Rs. 10·45 crores. If it belongs to the consumers, the income must come to the exchequer of the Government and not to the shareholders. To my mind the consumers have more right to claim possession of the Company than its shareholders and as such the consumers' share of profit should be deposited with the Honourable the Finance Member for the revenue of India, or for distribution among Members of the Legislature who are responsible for this legislation.

12 NOON.

It will not be amiss to say this also that India is an agricultural country and that the agriculturists form about 80 per cent. of its population. As Honourable Members know, owing to economic depression in the world markets the prices of agricultural products have gone down excessively, with the result that the purchasing power of the people has been greatly diminished. Against this state of affairs the prices of manufactured articles are being increased every hour by the imposition of fresh protective duties. In these

*Makeweight, honorarium or commission to various salesmen.

circumstances I fail to understand how the two ends are going to meet. On the one hand, the purchasing power of the country has gone down to the lowest pitch. On the other, the prices of the manufactured articles are being enhanced day after day. I cannot see how the poor agriculturists are going to maintain themselves under these conditions? In my opinion the protective policy of the Commerce Department is directed towards a wrong end. Instead of the imposition of protective duties which are sure to increase the prices of the manufactured articles, they ought to have tried to enhance the purchasing power of the people by devising some adequate means to raise the prices of agricultural produce. This is the proper course which would certainly result in bringing some advantage and relief to the country at large. To remedy the most distressing condition of the agriculturists is the utmost need of the hour and it would have, therefore, been more appropriate that instead of pressing upon such like measures aiming to yield excessive incomes to a few shareholders of certain companies, the Honourable the Commerce Member or his Secretary the Honourable Mr. Stewart would have shown some sympathy with the highly trodden-down agriculturists by devising some means to effect increase in the prices of their products. This would surely enable them to improve their present day condition of distress and penury which has been their lot nowadays on account of the abnormal fall in the prices of their products.

With these remarks, Sir, I am afraid the policy of protection as pursued by the Government at present is not intended to bring any relief to the consumers and that the sooner it is done away with the better it will be for them. As I said the other day on the Resolution of the Honourable Sir Phiroze Sethna in regard to import duty on foreign horses, I repeat the same argument again that if a company is not in a position to compete with the world market on its own account, it is no duty of the consumer to support it by extra duties and taxations. The industrial companies must stand on their own legs to cope with the production of the world markets and should not be thrown as an extra burden and taxation on the heads of consumers in India.

For seven years the steel industry showed no dividend simply to get more and more of the tariff protection in their favour and now when they have everything in their favour the profit to preferential shareholders would be something like 18 per cent. per annum and in seven years it will be more than three times the capital. Sir, is it not our duty to ask the Government why the Indian consumer is penalised for the sake of a few shareholders in this industry and why is this exploitation being systematically carried on His Majesty's Indian subjects for the last seven years without bringing the shareholders to book? I wish that the Honourable the Commerce Member would throw some light on this mystery, because his speech the other day without any data left me unconvinced. I have got all the notes worked out here and if anybody has any doubt I can give him these tables* that have been very carefully prepared.

With these remarks, I oppose the Motion.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay : Nominated Non-Official) : Sir, I had no mind to speak but after hearing the

*See Appendices "A" and "B" at end of these debates.

[Sir Ghulam Husain Hidayatallah.]

last speaker I am tempted to say a few words. Two points of view have been presented before this House. One point of view was that the steel industry of India has not been given adequate protection. The other point of view was of my Honourable colleague, the Nawab Sahib, who is a free trader and who does not believe in protection. He said there should be no protection for anything. But I am sorry that I do not agree with either point of view. I support the Motion as it stands. My Honourable friend the last speaker quoted a mass of figures. Being a free trader he always thinks in terms of free trade. Therefore, whatever industry may stand in need of any protection, he will be the last person to grant protection to it. Therefore, Sir, I am sure that the Honourable Members of this House will not be carried away by what he said, because he is obviously prejudiced against protection and it will be impossible for anyone to convince him in favour of protection. Now, Sir, I need not go on to discuss the mass of figures that the Honourable Member quoted. They were fully discussed before the Tariff Board. The Tariff Board investigated this question very carefully and in the present form Government have accepted those recommendations which they have found suitable. So we have, Sir, the recommendations of the Tariff Board and those recommendations that have been accepted by the Government are in this Bill. Therefore, I support this Bill, Sir, for when the Tariff Board and the Government of India say that this industry cannot stand foreign competition, I think there can be no doubt that if protection is not afforded to it this steel industry as an industry will be destroyed, and all the crores of rupees that have been invested will be lost to the country. I sympathise with his point of view, Sir, that the consumer to a certain extent will suffer. But we must realise, Sir, what will be the consequences if no protection is given to this industry, crores of rupees that have been invested will go and the country will be the poorer by that amount. But if sufficient protection is given to the steel industry of India, that means more prosperity for India. This industry will add to the wealth of the country and give employment to a very large section of the people. Now, Sir, what has been the crying need of India? We want more industries. Ours is not a highly industrialized country that can compete with foreign countries and therefore our industries ought to be protected if we want to compete with foreign industry. We are not going to live only on agriculture in India. We ought to have both industry and agriculture here and India's prosperity lies in promoting industries which will give more employment and more wealth to India.

With these words, Sir, I support the Motion.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa: Non-Muhammadan): Sir, I whole-heartedly support the Bill, as I find that the Bill is based on the recommendations of the Tariff Board. It is no use criticising Government in season and out of season even when they really and sincerely do things for the real development of the Indian industries. I cannot help putting in an emphatic protest against those critics, inside the Legislature and outside, who poured forth vituperations on the Tariff Board and its members. Some of them even went so far as to impute motives to the members and the chairman of the Board. I am really surprised to find that

those critics forget that the imputing of such motives to the members and the chairman of the Tariff Board, who were all Indians holding high social, intellectual and official positions, only weaken the cause of the national movement and the cause of Indianization. People outside will think that Indians, whatever their position may be, are not fit to hold responsible posts with credit. I, on the other hand, believe that in this particular measure the members of the Tariff Board have shown the most unbiased judgment and recommended exactly the amount of protection to the Tatas which was necessary under the existing circumstances. This fact is all the more borne out by the mild criticism of the Tatas against the Board's Report and their silence after the original Bill underwent some change in Select Committee in the other House. I certainly take this opportunity of congratulating the Government for the bold step they took in meeting the popular demand for the levy of a revenue duty on certain imported steel materials from outside India. I make bold to say that steps like these go to catch the imagination of the popular mind and that the Government of India is more amenable to Indian public opinion than the opinion of Whitehall. Bold steps like these falsify those critics who proclaim from the house tops that the Indian fiscal policy is dictated by London commercial guilds. I am glad of the imposition for a revenue duty, not that such revenue duty will put more obstacles to the import of British goods into India, or that it would give more indirect protection to the Tatas, than what was recommended by the Tariff Board, but because in the present state of India's finances, it was not fair to give up so much of our revenue when the whole country is still groaning under the burden of taxation and especially those who are paying heavy taxes on income. So long as the Finance Supplementary Act of 1931 is in force, I do not think Government would have been justified in removing the revenue duty from some of the imported steel materials as was recommended by the Tariff Board.

With these few words, Sir, I support the Motion.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): Sir, I have read this Bill that is before us very carefully, and I fail to see how it can be called a protective measure. If I have to call it a protective measure, I would say indeed that protection is being afforded by this Bill to the iron and steel industry of the United Kingdom. Then there are two other things that I find in the Bill and therefore I say I cannot bring myself to the conviction that really it is a protective measure designed to protect the iron and steel industry of India. I find in the Bill, Sir, a clause which discusses or which lays down the principle of taxation. I am not an economist and, therefore, Sir, I leave this subject to the expert to decide whether Government is right or whether Government is wrong in introducing clause 4 in this Bill. But I have not been able to find in any of the Bills where an excise duty is being introduced, a scheme of protection to a particular industry is introduced. I can understand this sort of measure of excise duty when the Government introduces their budget. But at such an awkward time, when we do not know what the taxation policy of the Government in the next budget will be, I cannot understand this thing being brought in this Bill.

Another thing that has been brought in this Bill is the differential treatment. I shall come to this point later on. This also does not appeal to me. I am not a free trader. I believe to a very great extent in protection for the

[Mr. Vinayak Vithal Kalikar.]

nascent industries of India. Protection should be given to an industry, so far as I understand, for a particular period with a view to the industry developing itself to such a stage that it should not increase the burden on the taxpayer. Applying that principle to the present Bill, I have no quarrel with Government so far as protection is given to the Tatas. The iron and steel industry, and especially the Tatas, have made out a very good case for protection, though they have been given protection for the last 10 years. After listening to the debate we had last Saturday and this morning, I am fully satisfied that the Tatas have tried their utmost to lessen the burden on the consumer as well as to make out a good case for getting protection from the Government. The Tata industry is really a national industry—a key industry. I remember to have read that during the war, Lord Chelmsford said that had it not been for the Tatas, who supplied the war materials, it would have been very difficult for the Government of India to carry out their campaigns in Mesopotamia and other places. The Tatas pay the highest wages to their labourers ; they have made very good arrangements for sanitation ; they supply good water ; they cater to the needs of the labourers to a very great extent. The Tatas also, I am told, have fought against odds and they have tried to maintain the price level. My Honourable friend Mr. Stewart said the other day a very kind word about the Tatas' management. I fully endorse what he said. But I should like to make one observation. As was said the other day by the Honourable Sir Ramunni Menon, they have not installed modern furnaces. I believe they will take this hint and instal modern furnaces so that they may further be able to reduce the cost of production. So far as protection to the Tatas is concerned, I am one with Government. I endorse what the Honourable Mr. Stewart and the Honourable the Commerce Member said the other day.

I now come to the second point, and that is the excise duty proposed in clause 4 of the Bill. I cannot understand the propriety of this clause. I am speaking as a layman and not as an expert—I am open to correction—one can understand the imposition of an excise duty when there is over-production or over-profiteering. On the last occasion, when an excise duty on sugar was imposed, we were told that there was over-production and that there would be cut-throat competition amongst the producers of sugar, and also Government wanted money, and in order to replenish the Indian Exchequer to a certain extent, they imposed an excise duty on sugar. In this case, if my information is correct, the Tatas can supply only 72 per cent. of the demand of India. So, the question of over production does not arise. As regards over-profiteering, if my information is correct, the Tatas have not been able to give dividends to their ordinary shareholders. From this I can rightly conclude that there is no over-production and over-profiteering. I cannot then understand the propriety of imposing an excise duty. Then, Sir, by imposing an excise duty, the Government expect to get about Rs. 30 lakhs.

THE HONOURABLE MR. HOSSAIN IMAM : " Question ? "

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : My Honourable friend Mr. Hossain Imam says, " Question ". He may be perfectly right. They may be in need. In that case, they should not have brought forward

proposals for lowering the revenue duty and imposing this excise duty. They are losing, if I may say so, this Rs. 30 lakhs by lowering the revenue duty on other products and therefore, if I understand their position correctly, they are imposing this excise duty to get that Rs. 30 lakhs.

THE HONOURABLE MR. T. A. STEWART : May I ask the Honourable Member what is the revenue duty to which he refers ?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Ordinary revenue duty which you have lowered in this Bill.

Then, Sir, from the consumer's point of view, one has to consider the effect of this excise duty on the consumer as well as on the industry. As I have already said, I am not an expert. I am a layman and I look at this question from a practical layman's point of view. Will the imposition of an excise duty in any way help the development of the industry, as well as decrease the burden on the consumer ? I have not been able to find in the memorandum that was circulated to us all by Tatas that the imposition of an excise duty will help their trade or production. But if this excise duty is imposed and the commodities are sold at a higher price, the consumer, is bound to suffer and not the industry. Therefore I say, considering this proposal from all points of view, of the consumer, of the industrialist and of the expert economist, I submit it is wrong in principle to impose an excise duy on an industry which begs for protection.

(At this stage the Honourable the President resumed the Chair.)

Then, Sir, I do not want to enter into the controversy of the Tariff Board Report, though I personally see from the reference that was made to them that they were not asked by the Government of India to make any proposals whatsoever to remove or to decrease revenue duties. I therefore think that they went beyond their jurisdiction in recommending the decrease or removal of the revenue duty. Apart from that, it seems that the Tariff Board was full of the Ottawa spirit and therefore they made certain suggestions about the removal or decrease of the duty in favour of one country or another. So far as this particular industry is concerned, I find from the Ottawa Report that they were against the principle of removing or decreasing revenue duties. I will read a sentence from the Ottawa Report, page 33.

" To concede a preference by reducing these rates to a lower figure in favour of British steel would impair the protection intended by the Legislature to be accorded to the Indian industry, and to raise the duties on foreign steel to a higher point than was required in India's own interest would have been a grave departure from the fundamental principle of the policy of discriminating protection".

However, I have a very great respect for some of the members who sat on the present Tariff Board and therefore I say that it was beyond their jurisdiction to make such a recommendation. I do not want to enter into that controversy further.

Now, Sir, the other day the Honourable Commerce Member gave us an example,—if I have taken his notes correctly,—about the differential duties. He said that if a continental article is available without duty in India for Rs. 60 and a British steel article is available in India for Rs. 90, if we impose a duty of 40 per cent. on the continental article and 10 per cent. on the British article,

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the consumer loses nothing. That was, I think, the instance he cited. Now I examined that question very thoroughly. Supposing the continental article on which we impose a duty of 40 per cent. is available at Rs. 100, and suppose the same 40 per cent were imposed on the British article that article would then be available in India for Rs. 130. Now, from the consumer's point of view the consumer will run to purchase the article which is available for Rs. 100, and the duty which we get at the rate of Rs. 40 per article will go I believe to the Indian exchequer. So if we purchase more articles of continental manufacture we will get more money by that method by way of the import duty and the Indian exchequer will benefit accordingly and to that extent the general taxpayer will be relieved. I therefore say look at this point from the consumer's point of view as well as the general taxpayer's point of view. If the consumer in India purchases the United Kingdom article, the Indian treasury will get from that article only Rs. 10, while if he purchases the continental article the treasury will get Rs. 40. There is a lot of difference between 40 and 10. Looked at from that point of view, I submit that all those who are grumbling under the present taxation system will be relieved of much of the taxation. So I do not find it possible to appreciate this distinction from the point of view of the Indian exchequer. If the Indian exchequer would not suffer in the least, I would give first preference to the United Kingdom. But if the Indian exchequer is going to suffer by this measure, I do not mind if the United Kingdom producer suffers and is not able to dump his goods on this market. They will learn to produce their articles at a cheaper cost and they will learn to sell at a price which can fairly compete with articles produced by other continental countries. I have no quarrel with the United Kingdom, but certainly in the interests of the Indian exchequer and in the interests of the Indian taxpayer I sumbit it is a wrong policy, a policy which is not in any way going to benefit the general taxpayer as such.

Sir, I know that the Bill is going to be passed into law. I know, Sir, that our protest is in vain. I know further, Sir, that we have to give our support to this Bill, because we have to give protection to Ta'as, but, unfortunately, we on this side, cannot appreciate these two things, the excise duty and differential treatment; these should not have been introduced into this Bill. The Government of India, I submit, should have first taken care to see to their financial condition. The Government of India, if I remember aright, through Sir George Schuster made certain promises in October, 1931, that they would not decrease or remove the revenue duties unless they removed the lower level of income-tax, unless they restored salary cuts and surcharges too. But here what do we find ? The lower level of income-tax is there, the surcharges are there, the salary cut has only been reduced by 5 per cent., if I am correct, and they come out with proposals for decrease of revenue duties.

THE HONOURABLE MR. T. A. STEWART: May I again ask the Honourable Member to which revenue duty he refers ?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Duty on galvanized sheets, Sir.

THE HONOURABLE MR. T. A. STEWART: The duty on galvanized sheets is protective duty.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Therefore I submit that it is a wrong principle to insist on a protective measure like this to disclose the taxation principle of Government, and therefore I object to that part of this Bill.

Much has been said, Sir, in this House and I do not want to take up the further time of the House, but I appeal to my friends on this side that whatever they may have to say against the excise duty and the differential treatment, we will have to make up our mind and unfortunately we will have to swallow this bitter pill.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, even after hearing the Honourable the Commerce Member the other day, I am still doubtful whether the Bill before us deserves our full support. The only fact that the Bill seeks to continue protection to the steel industry in India, which is a key industry, entitles it to our support. It is proposed to continue protection to the steel industry for another period of 6½ years and by the end of this period the Government hope that the Tatas would be able to establish the steel industry on a foundation of efficiency and perhaps dispense with protection. This is good, Sir, so far as it goes and nobody need have a quarrel over this proposition. I am in favour of giving protection to our key industries for a certain fixed period to enable them to stand on their own legs and to face foreign competition. But at the same time it is the duty of the Government to see that by enjoying continued protection an industry does not get accustomed to artificial feeding for all time to come, but that the industry should see to it that during the period of protection it sets its house in order by increasing its efficiency so as to be able to dispense with protection after some time, because, Sir, as is well known, it is the taxpayers' as well as the consumers' interests that suffer by giving protection to an industry. But, Sir, the Bill does not stop at merely giving protection to the steel industry in India or, in other words, it is not a purely protective measure as one should like it to have been.

There are the two objectionable features of the Bill, to which references have already been made by some of the speakers, which make it less acceptable to public opinion: I mean the proposed imposition of excise duty on steel ingots and the provision of imperial preference. Now, as regards the advisability of imposing excise duty the Honourable the Commerce Member was silent in his speech. The Honourable Mr. Stewart no doubt remarked in his speech that the excise duty was being imposed to recover the Rs. 30 lakhs that the Government were losing by the present Bill. But I submit that there should be no excise duty on a protected industry. By imposing this excise duty the Government are laying themselves open to the charge that they are deliberately placing a handicap on Indian steel to give an advantage to British steel. Besides this the excise duty would mean an additional burden on the consumer. I am therefore opposed to the proposed excise duty on steel ingots. But the Government have had it passed by the Legislative Assembly by threatening to withdraw the protection scheme itself if the imposition of excise duty was not accepted.

As regards imperial preference, the Honourable Sir Joseph Bhore tried to justify by quoting figures that differential treatment as embodied in the Bill

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was justified. But, Sir, he did not refute the argument of my Honourable friend Mr. Sapru that there was a danger of India losing her trade with Belgium as a result of the proposed policy. I hope at least the Honourable the Commerce Secretary will tell the House in his reply if it is a fact or not that, according to the calculations of those who are in the know, India would be losing 44 million rupees worth of trade with Belgium by this policy of preference for British goods. I am not opposed to imperial preference in all cases as I did not object to imperial preference in the case of the Textile Protection Bill in April last. But I feel that the imperial preference provided in the case of steel in this Bill will adversely affect our trade with other continental countries. So much so that the popular belief is that what this Bill seeks is not the protection of the Indian industry but the advancement of British steel in the Indian market. It cannot be said that the Government have been guided in this case by the principle of discriminating protection to Indian industries with a view to foster and develop such industries, but really speaking the Bill under the guise of protection to the steel industry imposes humiliating and differential conditions on Indian steel. The fear is generally entertained, which I share, that the Bill will provoke international ill-will and endanger tariff war or commercial hostilities by practically excluding imports of steel from other countries. Some of the steel-producing countries in Europe are our best customers and it is rightly feared that India will lose her advantageous position in exports to many of those countries. So Indian iron and steel producers must face the heavy losses that India will incur in losing her customers in the continental market. And the question arises if the loss on export of other Indian products to the continent will not be of such magnitude that it might bring disaster to most of our agricultural products. In spite of the assertions, therefore, of the Honourable the Commerce Member, India is yet to know what trade bargains she will secure by giving this preference to British steel. So, Sir, it is clear that there are certain provisions of the Bill which deserve our support while there are others which are obviously open to objection. And although the Bill will doubtlessly be passed by this House also in its present form, and I am not going to oppose its passage, yet I hope that the Government will do well to profit by independent non-official criticism that has been offered both inside and outside the Legislature in respect of this measure, and consider how far the imposition of excise duty is going to affect the steel industry in India as well as the consumer, and how far the provisions of imperial preference will adversely affect India's trade with other continental countries, and if they find that these provisions have proved harmful I hope they will make amends to them, for it is never too late to rectify a mistake.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay : Non-Muhammadan) : Sir, the Bill, as passed by the other House, has left very little for us to say. I support the Bill and I must congratulate the Honourable the Commerce Member for the courage he has shown in meeting the wishes of the representatives of the people of this country by accepting the popular demand for the re-imposition of the 20 per cent. normal revenue duty on certain classes of imported steel products. But in this case I think the Honourable the Finance Member is none the less responsible in coming to the rescue of the Honourable the Commerce Member in yielding to this

particular popular demand. Sir, I am confident that if Government shows their liberality and keenness to meet the wishes and sentiments of the people of this country in future in all other fiscal policy as they have done in connection with this Bill, the present administration can certainly claim to declare that India is getting ever independent in fiscal matters and she is at present enjoying fiscal autonomy. Though the Government have gone far to meet the wishes of the people in this matter yet I cannot but bring to the notice of the Government that there is still further scope in improving the measure. Sir, the small industries using pig iron find it difficult sometimes to get the raw material for the manufacture of their products and at times they have to pay a very much higher price for such pig iron than the price at which it is exported by Tatas. The original protection was given to Tatas for establishing itself on a sound footing so that it may help smaller industries in the country to grow. I hope and believe that Government would take steps to ensure that the smaller industries are not charged higher prices by the Tatas for the supply of raw material required for such industries.

Before I conclude I would like to draw the attention of the Government to clause 3 (2) of the Bill which exempts the duties mentioned in this Bill from the surcharge of 25 per cent. levied by the Supplementary Finance Act of 1931. At this juncture when both the industrialists and the consumers and all other taxpayers are paying taxes to their utmost to keep up the financial credit of the country I do not think Government would be justified in exempting the duties imposed by this Bill from such surcharges. To my mind it would have been most fair if Government would have continued the surcharge on the duties imposed by this Bill till at least the next budget when according to the light of financial conditions they could have come forward with their suggestion for the removal of the surcharge, not only on these duties, but also on income-tax as the taxpayers paying this tax are the most hard hit by the surcharge, than any other class of taxpayers.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

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

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, the Bill before the House is neither a purely protective nor a wholly revenue measure. It is a compound of both, because an excise provision cannot even by any stretch of the imagination be brought under the head of protection. Last session, an Excise Bill was brought forward, not by the Commerce Department, but by the Finance Department. I think therefore that I am correct in assuming that the idea behind this Bill is to protect as well as to give revenue to Government. The Bill thus consists of one good thing and another which is distinctly bad. The good thing is that it reduces to a certain extent the protective duty, and thereby reduces, so far as rupees, annas and pies are concerned, the incidence of the protective duties, and so it is welcome from the consumer's point of view. But this good point has been vitiated by the imposition of an excise, which has reduced the margin of difference of the protective duties to a very small limit. For instance, take structurals, we were, according to the Tariff Board's Report of 1926, in Table XXV charged Rs. 116, and the present selling price will come to about Rs. 113. This is one of the items

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with which we, as consumers, are mostly concerned. Such a small reduction as of Rs. 3 per ton, considering that a ton consists of 27 maunds, about which the Honourable the Commerce Member made so much, is really negligible.

Then, Sir, imperial preference is being introduced in the garb of differential duties. This innovation of differential duties was brought in by the 1927 Board. Before that, probably it had not come into operation.

I think that even the conscience of the Government was pricked and they did not have the heart to call this a Steel Protection Bill. The title of the 1927 Bill was the Indian Steel Industry (Protection) Act, whereas the name of the present Bill has been changed to "The Iron and Steel Duties Bill". That shows that we were wrong in thinking that the Government had no conscience. They have a little of it. They realise that this Bill has not been brought forward to protect the Indian steel industry.

THE HONOURABLE THE PRESIDENT: What does the preamble say?

THE HONOURABLE MR. HOSSAIN IMAM: The preamble does not form part of any statute.

THE HONOURABLE THE PRESIDENT: It does refer to protection?

THE HONOURABLE MR. HOSSAIN IMAM: The name is what forms clause 1 of the Bill. The Bill could have been properly called a Bill *to impose an additional burden of taxation on India*, or a Bill *to protect the iron and steel industry of England*, and so on.

There is another test by which we can judge whether we are going to get things at a higher or cheaper price. It is the real purchasing power. Dr. Meek says in his monthly report that the index number of wholesale prices has fallen from 204 to 119 between 1927 and December, 1933. Judged from that aspect, we find that structurals which were worth Rs. 116 in 1926 are now worth Rs. 198; fish-plates which were worth Rs. 148 are now in real money worth Rs. 224, and black sheets which were worth Rs. 181 are now worth Rs. 220. The Honourable Mr. Stewart in his introductory speech referred to the reduction in the cost of the manufactured articles. I would invite his attention to paragraph 47 of the present Board's Report, page 29, Table VIII, in which he will find that under fish-plates there is a distinct advance of Rs. 5·3 per ton on the Board's estimate with coal and spelter at Rs. 5·21 and 235. The 1926 estimate was Rs. 81·20 per ton and the adjusted cost of 1933 comes to Rs. 86·52. Again, Sir, in structurals, there is practically no diminution. ·30 per ton is all that the Tata Company have given us in this year of grace, 1934.

THE HONOURABLE MR. T. A. STEWART: Sir, may I point out that those are differences from the Board's estimates, not from the actuals of 1926?

THE HONOURABLE MR. HOSSAIN IMAM: I quite agree. The heading is like that. If the Board's estimates are wrong, then the whole basis of the scheme of protection goes by the board.

I emphatically protest against the principle which has been enunciated in this Bill. The principle is that the burden on the consumer should remain the same as it was, irrespective of the requirements of the protected industry.

Sir, the one incentive for bringing forward protective measures was, that in the end the consumer will gain the advantage of reduced cost, though at the moment he may have to pay more. What has the Government done? The Government found that on account of reduced duties which the Tariff Board has recommended, they would be out of pocket to the extent of Rs. 30 lakhs. Instead of shifting that burden on to the general taxpayer or elsewhere, it has been thrown entirely on to the users of steel. That is a very obnoxious principle, that irrespective of the cost of production the amount of taxation on the user of the protected goods should remain the same. I would point out that the burden of protection could be reduced, and it was up to the Government to explore other avenues and not to place a further burden on this beast, the consumer, who is already bearing more than his fair share.

Sir, I have had great difficulty because the speech of the Honourable Commerce Member has not been reported in any of the daily papers. I wanted to have a look at the official report but under the present rules probably I am not permitted to do so, and therefore in referring to the speech I would request the Honourable Mr. Stewart to correct me if my impressions are wrong.

THE HONOURABLE MR. T. A. STEWART: Sir, I have had no further advantages than the Honourable Member. I also have not seen the notes of the Honourable Commerce Member's speech.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, to us it is a matter of great regret that this Bill should have been piloted by an Indian Member in charge of the Department of Commerce. He says that the prospects of industries dispensing with protection are bright, but as I said before, if this principle holds good, that even where no protection is required the users must be condemned to pay more to the Government, then this prospect which he held out to us vanishes into thin air. I hope when his successor comes forward with another Bill in seven years' time, he will not burden the consumer. He also stated that preference, or call it a differential duty as you like, lifts the burden from the consumer. That proposition like many other generalizations is subject to many qualifications. In generalization one can go to any limit, but when one comes to analyse them one finds that in the end, nothing comes out of nothing. Because of the fact that we are giving a preferential or differential duty to England, we are throwing a burden on the consumers in the shape of excise duty. If there were no preferential duties we would not have been asked to pay an excise duty. I am quite ready for my Honourable friend the Finance Secretary to examine this and give us facts and figures to show what would have been the effect if there had been no preference and we consumed only continental steel. We have no figures at the present moment, but during the next few months we would be able to have a body of facts and figures to substantiate our claim that this excise duty has been brought in simply in order to give this differential duty. Then, the Honourable Member was very solicitous about the consumers. He stated that if we had no differential duty we would have been placing a burden on the consumer and therefore his sympathies went out to consumers. Sir, within a short period of two and a half years the Honourable Member has heaped more burdens on the consumers than any two of his predecessors have done in their full terms of office. This is all I have to say about the consumer's point of view.

[Mr. Hossain Imam.]

I am almost tempted to say that the Commerce Department has been behaving in the matter of duties most unreasonably. Even when there is no necessity for safeguarding them, duties are being imposed on things coming from outside, a hundred thousand things and lakhs of people are being penalised and asked to pay a huge burden of protective duty to safeguard a hundred thousand things. The Honourable Member suggested that up till now we had not heard any argument which would substantiate by sheer fact that differential duties on British steel were inadequate. That was a very grave charge which the Honourable Member laid on us. In reference to that I would invite the attention of the Honourable Secretary to page 53, paragraph 97 of the 1927 Report, in which the Tariff Board specifically mentioned :

" We have received evidence that the steel made to the British standard specification on the continent can be purchased at 10*s.* or Rs. 7 more than the price of non-standard continental materials. We consider that if this common price is to be maintained some addition must be made to the duty on British steel and some decrease in the duty on continental steel ".

That was the proposition initiated not by non-officials but by an expert body, that British steels ought to be taxed about Rs. 7 higher than continental goods, because they are of superior variety and as such have to compete not with the untested materials supplied by Tatas, but with tested materials, and the cost of testing, as is well known to the Honourable Commerce Secretary, is something more than Rs. 5 even in India. I have also found something to substantiate this from page 205 of the report of the working of the scheme of protection resulting from the Trade Agreement concluded at Ottawa. In the case of certain items of British and non-British steel, there is in one instance a difference of Rs. 3 per cwt. between the British and non-British goods price. I am very sorry that this report does not give us facts and figures about other kinds of steel, but so far as I could find out, the difference varies from the highest Rs. 3 per cwt. to nothing at the lowest. Therefore, Sir, to state that the same amount of protection is required from the British steel as from the continental is wrong. There ought to be greater protection from the British steel, because of its superiority.

Another principle which he enunciated and which struck me was that the industry does not mean the shareholders. I have personally no experience of industries, but from persons within the House and outside who have spent their lives in industry, I asked this question, " What is the English practice ? " They all told me that industry means nothing but the shareholders and the owners of the industry concerned. I would ask the Honourable Commerce Member to inform us if he ever consulted the shareholders of Tatas and whether they approved of this Bill and the measures it embodies ; or was it not a fact that they consulted only the parasite which is eating up the vitals of the industry, the managing agency system,—about which I said many things during the textile discussion and which I am not going to repeat now. It is the concern of that system to get their own share of commission and which the Government is careful to provide in each and every tariff proposal. They are concerned with that and therefore they have nothing to object to in this Bill. If we look at it from

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that point of view, what has the industry gained from the protection from 1925 ? For the last seven years the industry has paid no dividends to its ordinary shareholders. The second preference shareholders are in great arrears and the first preference shareholders were given dividend by a raid on the depreciation fund.

THE HONOURABLE THE PRESIDENT : Have they objected to this Bill ?

THE HONOURABLE MR. HOSSAIN IMAM : There have been no meetings, Sir. Either the Government or the Tatas ought to have held an extraordinary general meeting of the shareholders and placed the measures before them and asked for their approval. That would have been——

THE HONOURABLE THE PRESIDENT : Do you say that Government should have placed this Bill before the shareholders and asked for their approval ?

THE HONOURABLE MR. HOSSAIN IMAM : Government should have asked Tatas to do this, the Managing Agents to do this, otherwise——

THE HONOURABLE THE PRESIDENT : Does not the very fact that they have not held a meeting show that they have not disapproved ?

THE HONOURABLE MR. HOSSAIN IMAM : Unless the management calls an extraordinary meeting, a meeting could not be held. The Bombay Shareholders' Association, with which the Honourable the Commerce Secretary is very familiar, have objected to this Bill and have sent telegrams. May I point out to the Government that they have the Companies Act under revision and I hope they will not be content with revising the Act for future companies but they would look into the possibilities of somewhat curbing the rapaciousness of the managing agents of the established companies as well.

I come to another proposition enunciated by the Honourable the Commerce Member. I like the way in which he placed it before us very much. He placed before us an elementary point and tried to convince us that we were in the wrong and he was in the right in regard to differential duty. His point was, suppose the landed cost in India ex-duty is Rs. 100 for British goods and it is Rs. 65 for continental goods, the fair selling price is Rs. 105, therefore in all reasonableness the protective duty ought to be Rs. 5 per ton on British goods and Rs. 40 per ton on continental goods. That is a perfectly correct exposition as far as it goes. But, Sir, the Honourable the Commerce Member should not forget the Finance Member as well, and the Government of India being one and indivisible whole, all the measures that they bring forward must be embarked in consultation with all members. The Honourable the Commerce Member was doing the greatest amount of injustice to his own colleagues, the Finance Member, by bringing forward this differential duty. Consider the matter on his own basis. Suppose we are importing 5 lakhs tons of steel goods from abroad. What happens if Indians are unpatriotic enough to use English goods, the Finance Department gets only Rs. 25 lakhs by the use of English goods ; but if they are patriotic enough to use continental goods alone——

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christian) : Is that patriotism ?

THE HONOURABLE MR. HOSSAIN IMAM : I repeat, Sir, that if they are patriotic enough to use only continental goods, at Rs. 40 per ton on 5 lakhs of tons, the Government will get a revenue of Rs. 2 crores. This differential duty is nothing but a present from the poor and down-trodden Indian consumers to the British industry. In a perfectly straightforward preferential basis, we have this advantage that we get some *quid pro quo* for it. We can say that we are giving preference on goods worth a crore and in return get preference from the other for goods worth one crore of our own. That is some sort of exchange, but in this differential duty, even this element of counterbalancing is wanting and there can be no justification for differential duty, except the sentimental reason of giving it to our own imperial masters. Now, Sir, two questions arise. Either British goods are equal to continental goods or they are superior. They cannot of course be regarded as inferior. If it is better stuff, then we would be justified in putting a higher duty on the consumer. I mean if we had Rs. 100 *plus* Rs. 40 or Rs. 140, because the consumer is buying a better article. A man who wants a Rolls Royce cannot object if the Customs Department charge him more in tax than on a man who uses a Ford car. But if they are equal, it is his duty as a citizen of India to use the thing which, without taking a single shell out of his pocket, puts more money in the till, *i.e.*, the Government exchequer. If we did not have this differential duty, it would not be necessary to impose the excise duty as I said, and I am ready to substantiate the statement next year when figures are available. I would like the Honourable the Commerce Member also to keep this in view and tell us at the time of presenting the budget what would have been the result if this had not been given effect to. Then, Sir, I very much regret that the estimate of consumption of British and non-British steel has not been placed before us. The Tariff Board estimated the loss of customs at double the figure which the Commerce Department has worked out, but neither of them have placed the basis of their guess work. It may be possible that either the experts of the Tariff Board are right or the experts of the Commerce Department are right, but we, Sir, are in the dark. We do not know the basis of those calculations. I feel, Sir, personally that the Tariff Board were fairly correct in estimating the loss in revenue. It is only to disguise the ill-effects of this differential duty that the customs department have given us a smaller estimate—an estimate which assumes that less British steel will be consumed in India than continental steel. For instance, Sir, in the Report of the Tariff Board, they had taken the consumption of tested material of Tatas at about a sixth and probably on that analogy the Government have based their calculation of British steel coming in at about the same figure. Therefore, they submitted the loss would be less. May I have this assurance from the Commerce Department that if they find that the effect of this differential duty is to place a greater burden on us by reducing the customs income they will reconsider their attitude and have a uniform rate of duty for British and continental goods ? The fact cannot be overlooked that at the present moment the continental suppliers are already handicapped to the extent of 40 per cent. if we rely, Sir, on today's quotation of 74·53 francs to the pound sterling. The handicap in the gold and sterling block is 40 per cent. If the continental manufacturers are able with an initial handicap of 40 per cent. and with additional burdens varying from 20 to 30 per cent. to compete and still sell things cheaper in India than goods of Indian or British manufacture, is it not a sad commentary on the efficiency of Tatas as well as British manufacturers ?

Sir, it has been held out to us that a great achievement has been made by the Commerce Department in getting free entry of Indian pig iron into the British market. As if this were a new thing. As if we were gaining anything by it. It is well known, Sir, to the Commerce Department that there is no competitor in the Empire countries to our pig iron. No other empire country can supply England with pig iron.

THE HONOURABLE MR. T. A. STEWART : Might I point out to the Honourable Member that England itself is a very large manufacturer of pig iron ?

THE HONOURABLE MR. HOSSAIN IMAM : Their import of pig iron has been varying from 200,000 tons to 400,000 tons every year because their pig iron is not so rich in iron contents as ours. Sir, the pig iron which we supply to the United Kingdom forms but a paltry one-fourth of our export. If we can find a market for three-fourths of our produce without giving any initial advantage why should we worry about this ? That is my first charge. My second charge is that if England were foolish enough to impose a duty on the raw produce of their goods, they would enhance their own production cost and the result would be that British steel will have to be priced at a higher figure due to the imposition of the duty on pig iron, and that will place fresh impediments in the way of British steel coming and competing in the world. We, Sir, are helping the British industry in two ways. Firstly, there is a direct subsidy from the Government. Secondly, there is the indirect subsidy in the shape of free pig iron. These constitute an advantage which I can visualise more than the entry of pig iron into England.

Now, Sir, there is another point. We would have considered, Sir, that we had got some recompense if we had found that our pig iron on account of this preferential duty was being sold at a slightly higher price than for competing goods. That, Sir, is also one way of looking at it. But what do we see ? England has practically left off buying pig iron from anyone else. Practically all her imports last year were from British India and nothing from anyone else. Eighty per cent. of her imports of pig iron came from India, whereas before this time, Sir, the percentage of Indian imports into the United Kingdom market was between 20 and 30 per cent.

THE HONOURABLE MR. T. A. STEWART : Does the Honourable Member know that during the last two years a duty of 33⅓ per cent. was imposed on imports of foreign pig iron from India into England and that Indian pig iron had that advantage ?

THE HONOURABLE MR. HOSSAIN IMAM : I will quote, Sir, from page 40 of Dr. Meek's Report. In 1920 the total import into the United Kingdom was 122,000 tons; in 1925 it was 190,000 tons; in 1930 it came down to 135,000 tons and in 1933 it had gone down to 93,000 tons, out of which 80,000 tons have been imported from India. The United Kingdom is reducing its imports.

THE HONOURABLE MR. T. A. STEWART: I am obliged to the Honourable Member. I was about to ask him to quote those figures.

THE HONOURABLE MR. HOSSAIN IMAM: This, Sir, serves his purpose in showing that India's share has risen but it also serves my purpose in showing that India's quota as far as its total export is considered has not been substantially increased and in order to confirm that statement, Sir, I will quote from page 109 that our export of pig iron was 568,000 tons and last year it was 377,500 tons only. Our total trade has deteriorated in pig iron. This is my reply to our gain in the United Kingdom market. That is the direct result of the Ottawa Agreement. Our trade is bound to suffer. If we do not purchase goods from them, they will not purchase goods from us.

Now, Sir, I come to the Tariff Board itself. It is well known, Sir, that I am not a very great protectionist, and once or twice that I have supported protection I have done so in spite of myself. In this case, Sir, things are like this. There is no denying the fact that out of the industries that we have safeguarded or protected so far, the steel industry has come out the best, although it is not from my point of view yet self-supporting. Dr. Mathai, who is the President of the Board, has been connected with the steel inquiry, for a very long time, and what he does not know about the steel Industry I am prepared to say is not worth knowing. It is regrettable that after the strong stand which the last Tariff Board put up against imperial preference, there should be such a fall as is witnessed in this Tariff Board's Report. But there were, Sir, certain points raised in the former Steel Industry Tariff Board's Report. In that report the principle of differential duties or, as I would like to call it, imperial preference, was admitted in regard to the iron and steel industry, but with this difference that, while in the statutory report of 1926 a feeler was thrown out, one or two items were subjected to differential duties, now we have become whole-hoggers and want to have imperial preference in all categories. I would have liked to go in for a detailed criticism and review of the report, not questioning their findings but comparing them with previous reports; but as it is late, I will not go deeply into those matters. I should like to mention only one or two points. On page 70, in the note that has been given, they say that this increase of railway freights about which the responsibility lies on the Honourable the Chief Commissioner for Railways as it came at an inopportune moment; the industry did not know a word about it. I am told the East Indian Railway informed the Board privately, so that the Tatas were not able to give facts and figures to substantiate their loss on account of this increase in freight on the East Indian Railway. The Tariff Board say that even in spite of this increase there was already sufficient money to compensate the Tatas. It is not a question of a lakh or two. The East Indian Railway have made an additional demand of Rs. 12 lakhs on a production of 600,000 tons. That means that Rs. 2 per ton was hidden away somewhere. They have not mentioned expressly where they have provided for this. That is my complaint. When they said they have provided for this, they ought to have mentioned where they have provided for it. It means that their recommendations were so generous that Rs. 12 lakhs were hidden away somewhere.

I have a great complaint that the Board have not given facts and figures. In paragraph 119 they give their estimates of general loss in revenue. If we in the Legislature are to do any business here we ought to be given facts and figures and details. I should also like to draw the attention of the Commerce Department to their persistent policy of ignoring this House whenever any Bill is referred to a Select Committee in the other place. I, and other Members of this House, without any difference in caste, creed or colour, have been insisting that this House should be associated with Select Committees. This House was deprived of its rights, and the greatest culprit in this respect has been the Commerce Department, which has absolutely refused to have anything to do with us.

Sir, I will not waste much of the time of the House. I should only like to say a few words about the industry itself. There is no doubt that the Tatas are good employers. They have done much for the welfare of their labour; they have spent lakhs of rupees in education, hospitals and other welfare works. But I find that there is a lack of efficiency, although I am willing to admit that the efficiency is greater now than what it was formerly. But even now, the realisation of the waste products offers scope for further enquiry. I had hoped that the Tariff Board was going to enquire into this. Government would have been well advised to have appointed an officer just as the Chief Commissioner had for the Railways in Mr. Pope to examine the working of the steel industry to see what improvements could be made in reducing the wastage and increasing the efficiency. I make this request, Sir, because it is really the Indian taxpayers who have to foot the bill. If the industry is able to manufacture these goods at cheaper rates, we will be the gainer, and therefore, as the reversionary bonus holders, I hope that Government will keep this in view and if they have any opportunity, or if the Tatas come forward and ask for any further protection, they will insist on having an enquiry by an expert made into their works. My Honourable friend Major Nawab Sir Mahomed Akbar Khan was very vehement about that, and I think he has made out a case himself.

The only complaint of labour which I could find out during my visit to Jamshedpur was that they were feeling some trouble about houses. It is a new town; the labouring class is not sufficiently wealthy to build its own houses, and they have to rely to a great extent on the Company's houses. The Company employ about 20,000 people and they have only 5,000 houses. So, it is understandable that all cannot be accommodated.

Another complaint was that at present the gratuities which are given to the old employees are not based on any rules. It rests on the sweet will of the head of the department to give either a month's gratuity or a year's gratuity. I should like that they should adopt the system of my Honourable colleague Sir Guthrie Russell and give a gratuity of 15 days' pay per year, as is done on the Railways.

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that there are several speakers to follow him and there is a considerable amount of work before us today? I propose to sit till late in the evening and finish the work.

THE HONOURABLE MR. HOSSAIN IMAM: I was about to close, Sir.

The Honourable the Finance Secretary may consider the possibility of giving some help and taking over the sterling debentures of the Tatas, and thereby reduce the overhead charges in the shape of interest on these sterling debentures, which are at the very high rate of 7½ per cent. and charge them 4 per cent. interest.

THE HONOURABLE SIR ALAN PARSONS: I will certainly do nothing of the sort.

THE HONOURABLE MR. HOSSAIN IMAM: Then there is another point about the employees. My Honourable colleague, Mr. Banerjee, was very, very vehement that a propaganda is being carried on against Bengalis. There was nothing of the sort. The propaganda was that certain departments have become the monopoly of certain classes of people. As is well known, Government are also giving it out as their definite policy to stop the preponderance of any community in the services. Might I ask my Honourable colleague to enlighten us if he will accept that as the Bengalis are excluded at the present moment from the army, they should be excluded from the army for ever?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: No.

THE HONOURABLE Mr. HOSSAIN IMAM: Therefore, what we want is that every community should be represented in the national industry and that no one should be excluded for his caste or creed, and that no one should be given an undue advantage because of his caste or creed. That is all. We do not want any Bengalis to be ousted, but when there are vacancies, others too should have their due share in those posts.

Now I wish to draw the attention of the Honourable Sir Guthrie Russell to one of his steel plants which is lying idle at Jamshedpur. If he were to utilise it, that would materially help Tatas in giving them an outlet for their products.

THE HONOURABLE SIR GUTHRIE RUSSELL: It would not affect Tatas in any way. It would only mean diverting certain work done by private enterprise to State railway workshops. It would have no effect on Tatas whatsoever.

THE HONOURABLE MR. HOSSAIN IMAM: But if he were to make research and find out whether he could substitute the basic steel of Indian manufacture for the foreign acid steel he is using he would give more work to Tatas.

One word more and I will finish. The Bill proposes to give preferential treatment to England without asking for anything——

THE HONOURABLE THE PRESIDENT: The Honourable Member has spoken at considerable length on that point. I hope he is not going to repeat his arguments?

THE HONOURABLE MR. HOSSAIN IMAM: I was simply going to say that I wish to exonerate the Commerce Department from the charge which my Honourable friend Sardar Shri Jagannath Maharaj Pandit laid at their door,

that they have listened to the public voice and re-imposed a duty in consideration of public opinion. They have done nothing of the sort. I give them a certificate that they have never heard the voice of the public! Sir, this Bill does not intend to protect the Indian industry or reduce the burden on the consumer. If it does any good it does it for the English steel industry.

Sir, I do not support the Bill.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, I rise to support the Bill which has been moved by the Honourable Mr. Stewart. It is not my purpose to enter into the intricacies of the tariffs and duties, nor of the profits, visible or invisible or *chunga*, as alleged by the Honourable Nawab Sir Mahomed Akbar Khan. The role of financiers, auditors and experts has been assumed by some Honourable Members; I would leave it to them to find out the discrepancies in the Report of the Tariff Board, which is thorough, searching and impartial.

Sir, when any country promotes an industrial development of a kind that is non-existent, it has to face enormous difficulties and vicissitudes. When the Tatas started their iron and steel works there was no local experience, no local experts, no local skilled labour. Jamshedji Tata, whom I had the privilege to know personally, with his unique genius, with his enterprise and with his breadth of vision entered into the matter with a zeal which was beyond all praise. He spent lakhs in the preliminary inquiry; he invited experts from many countries, from Petersberg, from Germany, and other American sources, from England, in order to put the works on a firm basis. He was undaunted by the magnitude of this new venture. In spite of all, however, there was one great disability he had to face, and that was the competition of foreign importers, who had long and intimate connection with India, who knew Indian requirements and how to meet them. And naturally they undersold Tata's products. Government had then to give protection, which was further extended, and now we are asked to sanction its modification and continuance for a further period of seven years. It is to be hoped that it will be the last period of protection and that after 1941, the Company will be so well established as to cease to require further protection. A country has to make sacrifices in order to be self-sufficient, and in the present instance such have been made by the Tatas, capitalists, big and small, shareholders, the public and the consumers, in order to support a national and a key industry. Have the Tatas contrived to so manage their Works as to improve the conditions of the trade in India, is the question? Sir, if those Honourable Members who have been such vehement critics had carefully studied the *last* Report of the Tariff Board, they could not have failed to notice the enormous progress made within the last six years. Their Indian trade of which they had only a 30 per cent. share in 1927-28, has increased to 72 per cent. in 1933-34. That is certainly not a small gain. The works are now estimated at Rs. 12½ crores, if the profits are calculated upon that, they barely come to 2½ per cent. At the same time, however, the profits have been assigned for depreciation to the extent of Rs. 400 lakhs of which Rs. 302 lakhs have been utilised for improvements and replacements. Another important point is the remarkable increase of efficiency. The cost of production has been reduced to a much greater extent than was

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

anticipated by the previous Tariff Board. By far the most impressive statement of the Tariff Board is that these Works will stand comparison with those of similar age and capacity elsewhere if the suggestions that they have made are accepted and carried out. It has been asserted that Tatas have not carried out some of their suggestions. We are not in their confidence, nor do we know what conditions and circumstances prevented them from adopting all the requirements of the Tariff Board. Besides that, Sir, they have established a town with a population of 85,000. They have spent an enormous amount of money in welfare work, in estate management, medical relief, housing, technical education, etc. There is no similar undertaking in India to compete with it. If Indians had any enterprise, any genius, when protection was given they should have come forward to establish other works for fair competition. It is no use crying that Tatas have a monopoly. If they have a monopoly, it is because there is no other competitor in the field. I think the charge of monopoly has been greatly exaggerated. As regards their dividends, everybody knows what poor dividends they have been paying and how for years together there have been none to ordinary and deferred shareholders. It has been suggested that the Company should not look to dividends, nor redeem their debentures. The debentures are, however, a burden upon the concern; but notwithstanding that it is recommended that all profits should be devoted to expansion and replacements. That is a question, Sir, for the Board of Directors to decide.

The main question is, whether the protection that is now being given will be sufficient for all time, or whether circumstances will so change that modifications will be necessary? It is impossible to prognosticate at this date, but there is this to be said that the existing protection has not stimulated expansion in any direction. The sugar industry in spite of protection is bewailing its lot. There was a mushroom expansion, leading to cut throat competition. Again, Sir, the apathy and supineness on the part of Indian industrialists is well known. They have rich material before their eyes, but they will not take the trouble to investigate how best it can be utilised for the benefit of the country. They inveighed the other day about a British industrial concern that was about to take up some chemical works in the Punjab. There has existed material there which could have been utilised years and years ago and have supplied India with numerous chemicals for the use of other industries. It was said the other day that Jamshedji Tata's incentive was due to a geological survey and the finding by an expert of iron ore, etc., in the jungles. It is true the ore was there, limestone was there, coal was there, but was there any enterprise, any genius, any broad vision? But for him, all those materials would have been lying fallow and unutilised up to this day. There exist many instances where discoveries and inventions have been neglected. One of the most striking was that of the discovery of aniline dyes by Mr. Perkins, a British chemist. He placed the discovery before capitalists but they would not look at it. What was the result? The discovery went to Germany which secured a world monopoly, increased the wealth of the country and on the basis made further discoveries. That shows what genius, what enterprise and what breadth of vision can do!

With these few remarks, Sir, I support the Bill.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I have no pretensions to any technical knowledge of the subject. I would approach the subject from the point of the layman and I feel, Sir, that to determine the main question, the question of whether it is necessary to give a further extension of protection to the iron and steel industry in India, to determine this question I feel it is not necessary for one to be possessed of any technical or special knowledge. Sir, the Tata Iron and Steel Company has attained a unique position in the country. The protection given to the iron and steel industry is practically the protection afforded to Tatas. As has been observed by the last Honourable speaker, Tatas have made a great contribution to the industrial development of the country. At a time when this industry was non-existent in India and when there was none available here who had any experience of this industry at a time when the market for steel was fully in the hands of foreign agencies, Tatas started their works and contended against tremendous odds, and in spite of these difficulties they succeeded in carving a market for themselves. It was in view of this and in view of the fact that it was desired that India should become economically independent and should be free from its helpless dependence upon foreign countries that the Central Legislature originally granted this protection. Now, Sir, the question is, whether the result of this action has been such as would justify a similar action to be taken again? Therefore, Sir, we have to see whether under the shelter of this protection the industry has improved in efficiency and has achieved results which will encourage the hope that within a measurable distance of time it will be possible for this industry to get into a position where it might be able without extraneous help to hold its own against foreign competition. Sir, that this industry has achieved these results, that it has considerably improved in efficiency and organization and that in spite of great disability under which it had to labour during recent years owing to trade depression, in spite of this disability it has succeeded in reducing its cost and increasing its output—all this is evident from the Report of the Tariff Board. This report makes it perfectly manifest that Tatas notwithstanding the fact that still there are certain directions in which, with the adoption of better methods, it would make it possible to achieve better results, notwithstanding this, they have not failed to prove themselves perfectly deserving of the encouragement that has been shown to them. The management have shown that they are perfectly alive to the fact that they cannot hope to depend upon this protection for long and that consequently they have to hasten to organize to improve and consolidate the position of the industry. Consequently, Sir, as is obvious from the Tariff Board's Report, they have done a lot by way of improvement in the equipment and by way of reducing the works cost and increasing the volume of products. Besides this, as behoves the industry which claims to be a national industry of first importance they have striven their best to introduce conditions for labour which are much better than can be found in any other industry in India. Sir, not only do they employ a great deal of labour, but they also make much better provision than anybody else for their workmen. The care and attention that they bestow towards the well being, towards the health and welfare, of their labourers, is too well known to need any mention. Deficiencies might still exist, as my Honourable

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friend Mr. Hossain Imam has just pointed out; there is still some direction in which Tatas will have to effect improvement as regards the welfare of their workers, *viz.*, in the matter of housing and gratuity. I hope that Tatas who have done their best to try and improve the lot of their workmen would try and introduce these reforms also. Therefore, Sir, we feel that a very strong case has been made out for extending the period of protection to Tatas. The only question would be the measure of protection which has got to be granted and on this aspect of the question I do not propose to dwell long, inasmuch as I feel that for want of technical and special knowledge I do not think I am competent to form an opinion about this. All that I would say is this, that the way in which the Tariff Board has come to determine this quantum of protection appears to me to be the only and proper way in which you could determine the measure of protection. In determining this measure of protection they have tried to find out the difference between the fair selling price of the indigenous articles as against the landed import price and they have given this difference between these two prices as the quantum of protection against every article. I think, Sir, this is the only way in which you could arrive at the proper measure of protection that has got to be given to the indigenous industry. Now, Sir, while I am on this aspect of the question, I should like to say a word about the way in which the differentiation has been made between British imports and foreign imports. It has been observed by some of my Honourable friends who have taken objection to this differentiation that in case the differentiation had not been made and if patriotic Indians had been allowed to use only foreign articles, the result would be an additional income to the Indian exchequer. I feel, Sir, that there is no justification for this hope.

THE HONOURABLE MR. HOSSAIN IMAM: It is pure mathematics.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I am also taking my stand on the firm ground of mathematics only on the *terra firma* of facts and figures. The differentiation is there not because there is any desire to give preference to one article against the other but because of the fact that there is really a discrepancy between the prices of British goods and the prices of foreign goods.

THE HONOURABLE MR. HOSSAIN IMAM: Is it an order from the Secretary of State, Sir ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: Your own mathematics go to show—the figures given in the Tariff Board—and I do not pretend to have any knowledge outside the information that has been supplied to me in the Report of the Tariff Board—from these figures I feel that there is really an enormous difference between the price of the foreign article and that of the British-made article and it is but natural that, as against an article which is highly priced, there should be a smaller measure of protection in comparison with another article which is priced low so that the effect of these foreign articles might be the same as against the Indian article. As has been stated by the Honourable the Commerce Member the other day, when he made his reply to the debate here, he gave us a concrete instance of

an Indian article being priced at Rs. 100 and showed how the quantum of protection for this article would be assessed as against the English article, which was priced at Rs. 90, and the continental article priced at Rs. 60. So that he made it perfectly clear how the duty against the British-made article should be only Rs. 10 while on an article of a similar kind imported from a foreign country it should be Rs. 40. I do not think, Sir, I need labour this point any more. But, Sir, my own view is that, even if this was not a case of differential duty necessitated by the hard and undeniable facts of the case, but on the other hand it was a clear case even of imperial preference, I should feel that that was a step in the right direction.

THE HONOURABLE MR. HOSSAIN IMAM: At the cost of India ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: No, Sir, I am going to develop the point. I feel that there cannot be any objection to this kind of procedure so far as it does not injure the interests of India. Here, Sir, in the instance to which I have just alluded, as to why we require different rates of duty on these two different articles, if instead of having this differential duty we had imposed a flat rate on both these articles, what would have been the result ? The result would have been anything but advantageous to the consumer.

THE HONOURABLE MR. HOSSAIN IMAM: Fiscal advantage ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: That does not so much affect the consumer. I am surprised to find, Sir, that the Honourable Member who has been making pathetic appeals in the name of the consumer is now propounding a theory the result of which would be a direct enhancement of the burden on the shoulders of the masses. (*An Honourable Member*: "Then abolish all duties!") On account of the necessities of the situation, we feel that we have got to protect our industry in order that in the long run this industry might be able to stand on its own legs and might develop to an extent that might result in lowering the price of the article.

THE HONOURABLE MR. HOSSAIN IMAM: Has it been lowered now after seven years ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: Well Sir, since my Honourable friends have taken very strong objection to imperial preference, I would like to say something more about this question of imperial preference. I feel, Sir, that this imperial preference is the first and most important stage that this country will have to pass through in its march to economic recovery. I feel, Sir, that appreciation by the various countries of one another's difficulties and mutual co-operation between these countries of the world, is surely the solution for the problem of this world depression. For I feel, Sir, that this is the only way which can bring order into the chaotic state of things in which the trade of the world has been landed on account of the short-sighted policy which has been followed all over the world in regard to their external trade relations. I feel, Sir, that this imperial preference is a welcome departure from this short-sighted policy and opens up a way towards mutual co-operation. And it is but natural that we, constituting, as we do a part of the British Empire, should make a beginning in this direction by trying to enter into inter-imperial arrangements. I feel perfectly convinced, Sir,

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that the solution for the present depression does not lie in putting up tariff walls but in pulling them down.

Now, Sir, while I give my full support to this Bill, I should like to draw attention to one or two matters in which I feel that Tatas should take immediate steps to rectify matters. Sir, I will first take up the representation of various classes and communities in the service of Tatas. Sir, a memorandum has been circulated to us which has been signed by one Mr. Habib-ur-Rahman Sadi, who seems to have made detailed inquiries into this matter. Sir, this memorandum depicts the unhappy plight of the Mussalmans in the service of Tatas. It shows how the attitude of Tatas has recently changed from what it was originally. It gi es an account of how the pioneers of this industry had shown due appreciation of the claims of various classes and communities and how the Mussalmans played their part in the building up of this industry originally, and how even when they were put on very hard and arduous tasks, performed those tasks quite willingly and efficiently. The memorandum makes it clear, Sir, that in respect of the services there has been in recent years a steady decrease in the number of Mussalmans employed in this great industry. It is surprising that in Jamshedpur, where the Mussalmans form 30 per cent. of the population, in the general offices of the Tatas, where there are 569 hands, there are only five Mussalmans, and in the Town Engineering Department, there are only five Mussalmans out of a total of 70. I will not deal with this aspect at any length. I would request you, Sir, to permit me to hand in this statement,* which is pertaining to this subject. I feel that there is every necessity for drawing the attention of the Tatas to this aspect of the question and ask them to try and improve the position.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : You want communal representation in the Tatas ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : It is not communal representation, Sir. It is a just claim. If Tatas claim to be not only a big industry but also a great national institution, if they are anxious to give proof of their appreciation of all the sacrifices that this country has made, sacrifices in which not only any particular class or community has taken part but the whole country has been involved, if this industry has an all-India outlook, if this industry is to justify its existence and its claim to protection from the people in the land, I feel that this industry should take care that every class and community gets its due share in the service of this industry.

4-5 P.M.

Another point is that the consumer's interest has not after all been jealously guarded. This is not because of the protection which has been given but because in spite of all their best efforts the Tatas have not been able to discharge their duty in some respects. They have not taken any pains, as they ought to have taken, to encourage subsidiary industries in the country. At the time when protection was given, great expectations were entertained that besides the Tatas, this protection would go to encourage other subsidiary industries, and that even new ventures would come into existence. This

*See Appendix "C" at end of these debates.

hope has not materialized, and we feel that far from encouraging these industries, the Tatas are developing a monopolistic attitude, and as has been observed by the Honourable Sir Ramunni Menon the other day, it is disappointing to find that in spite of all this protection, in spite of the anxiety to increase the volume of steel products in the country, the fact is that at the present day there is only the Tatas which has the monopoly of producing basic steel. This is a state of affairs which requires to be rectified at once. If the Tatas claim to a real and powerful instrument in solving the economic problem of this country, and if they realise their duties and obligations in view of the great sacrifices that the country has made, the Tatas, I hope, will endeavour to find a way to try and do their duty by the subsidiary industries of the country so that the volume of steel products may be increased resulting in the lowering of the price.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : Sir, at this late stage, I will not be justified in making a long speech which I would have made if I had caught the eye of the Chair earlier. But I cannot resist the temptation of making a few general observations. Sir, I come from Burma, a constituency of consumers, pure and simple. The main underlying principle of this Bill is the carrying out of the policy of discriminating protection to a national industry, a key and basic industry. As an Indian, I can endorse the view which has been put forward by a number of speakers that this industry is principally a national industry and requires protection. But coming as I do from Burma, I think it is but proper that I should represent the view which is held by the Burmans. The Burmans do not regard the Tata Iron and Steel Company as a national industry, and we can pardon them for holding that view.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Because they want themselves to get separated.

THE HONOURABLE MR. P. C. D. CHARI : Well, the underlying principle of discriminating protection has come into conflict with the true interests of Burma, and we know to our cost that this has been one of the main reasons which has been put forward by the advocates of separation for separating Burma from India. I cannot be wholly enthusiastic about a measure which has been to a large extent responsible for forcing Burma away from India. Be that as it may, there is a view which is now put forward that even after separation, Burma should be a part of the fiscal system of India. I am one of those who believe that it would be to the best interests of Burma to remain within the fiscal system of India even after separation. Holding that view as I do, I think it is my duty to support this Bill which gives the necessary protection to this industry, because if Burma continues even after separation under the fiscal system of India, this industry will be a national industry even from the point of view of Burmans. There is one other reason why I support this Bill. The Central Government should have funds for carrying on the administration and the funds necessary will be contributed, to some extent, by the protective duties proposed in the Bill, though the main purpose of the Bill is to give protection to the industry. There is also the incidental purpose of raising revenue by these protective duties, and these protective duties being indirect forms of taxation, come in handy and if these duties are not levied, probably Government will have to seek other means of taxation, and

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all the same, Burmans along with the rest of the Indians will have to bear their share of taxation. That is my point of view as a representative of Burma, and I take this opportunity of making myself clear as to why, being a representative of Burma, I support this Bill. But on going through this report, several important things struck me but I will not refer in detail to anything about it. I could not however resist the temptation of saying that the Tatas have reached a stage when they do not require protection for a long period of seven years. Under the Indian Majority Act, one remains an infant—a minor, till the age of 18. Probably the Government of India thought that when protection was given in 1924, they took the age of the Tatas as one year. Now it has enjoyed protection for 10 years. That brings the age to 11 years, and they want to give protection for another seven years, bringing the age of this infant industry to the age of majority.

(At this stage, the Honourable the President vacated the Chair which was taken by the Honourable Mr. E. Miller.)

There is also the fear, as we know, that when a minor comes under the control of the Court of Wards or other Government institution, the age of majority is increased to 21, and it may be argued later that 21 years is the age to which it must attain before protection can be dispensed with. That is my fear. After all it is not a human being ; is it only an industry. And during the last seven years this industry has grown very robust, as even the Board has said its efficiency has improved far beyond the anticipations made at the time of the original scheme of protection. The Tatas have carried out most of the improvements suggested, but of course here and there some more improvements are required. But during this period they had to pass through very depressing times and probably this infant, which has now grown into a robust boy, may require some protection for a few more years. But it must be made clear that no further protective measures will be brought in to support this infant. We find from the report that this robust boy has been behaving like a naughty boy and kicking against the other minor children which have not grown so robust. The Tariff Board seems to have taken security for good behaviour consisting mainly of Tatas' personal security in th shape of an assurance that they would behave better during the period of protection given to them. Well, I hope Tatas will keep to their promise and will not try to injure the interests of other minor industries. Of course there has been a good deal of complaint in this regard but I will not go into details.

Then the main report says Tatas do not really require a protective duty but the proposals are intended to give protection to Tatas against the dumping activities of some foreign countries. Perhaps they do require protection against such evil-doers but we want to be assured that the protection given is neither too much nor too little. The Honourable the Commerce Member told us that they have weighed the protection carefully in the balance and given just enough. He also said that no facts or figures are given by those who maintain that the protection is too much or too little. But I could not get many figures from the Government themselves, nor do I find from an extensive perusal of this report that any figures are given to justify the measure of protection advocated. We can only assume that it is necessary and no more nor less than necessary.

There has also been a complaint, both here and in the other place, that in a scheme of protection other complications of differential duties, revenue duties and excise duties which ought not to be included have in fact been included in the scheme. I join in the protest and maintain that a scheme of protection should be a pure and simple protection scheme and nothing else. It should not be a revenue Bill or something like a finance Bill. I take very strong exception to this provision for the imposition of excise duty. I was inclined to think that at the back of the minds of the Tariff Board there was an impression that no more protection was necessary and that is why they thought of an excise duty. An excise duty is generally imposed when an industry has established itself. I have been a student of economics all these years, and from an economic point of view when an industry comes to the stage of being able to bear an excise duty, it does not require protection at all. If it does require protection then it ought not to be made to bear an excise duty. There is therefore an inconsistency here. I am afraid the recommendations of the Fiscal Commission have not been carried out in this matter of the appointment of at least the Chairman of the Tariff Board. The Fiscal Committee recommended that a practising lawyer of the standing of a High Court Judge should be appointed Chairman. I have found from one or two places in the report that the absence of such a trained chairman is responsible for the muddle into which the Members of the Board have fallen. Fortunately all their recommendations are not being given effect to. In this case if a trained lawyer had been the chairman of this Board he would at once have seen the limitations of their terms of reference. (*An Honourable Member*: "Dr. Mathai was a vakil of some years' standing.") I have had the pleasure of knowing Dr. John Mathai since my law college days when he used to sit beside me. I have known also——

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member should not refer by name to the members of the Tariff Board.

THE HONOURABLE MR. P. C. D. CHARI: I apologise for making a reference to any one by name but was forced to by the interruption. The Tariff Board Report goes outside the terms of reference in making a recommendation as regards revenue duty. Fortunately the Government have not acted upon it, and as regards the excise duty also it has fallen into the same error. But there are one or two other points in that report which are very material. I will refer to one of them only. A good deal has been said about imperial preference and the Ottawa spirit. I am one of those who do not object to imperial preference if it comes spontaneously from the people's real representatives. India is a large consuming country and the greatest asset of India lies in the fact that it can consume a large quantity of articles which other countries export. It is a valuable asset which should not be frittered away. If the real representatives of the people think that they must make a generous gesture to capture the goodwill of a particular section, then it must be reserved to those real representatives of the people when they get real power to make this generous gesture. My only objection is that they have been made by people who are not the real representatives and this has been premature. And as regards the differential duties, the Government fight shy of saying "We do intend to benefit Great Britain to a large extent". They do not

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say that, they merely say it is in the interests of the consumers that the differential duties are proposed. I carefully listened to the speech of the Honourable the Commerce Member. He could very well have come forward and said it does not affect the consumer and we do intend to give a large benefit to the British steel industry. If he had said that, I would have been satisfied and I hope the Honourable the Commerce Secretary will make that aspect quite clear. We do feel that we do make a sacrifice in our revenues as a sort of generous gesture to the British public and it must be made clear that we are not fools, that we are not being humbugged out of it and we do really understand that we are making a large sacrifice and that we expect that this generous gesture on our part should be appreciated by the British public.

There is one other thing with reference to the differential duty and that is very much to the point. It is in the nature of a question to the Honourable the mover of the Bill as to w ether I am right in thinking that in arriving at the differential duty in the case of galvanized sheets the real landed price for galvanized sheets had been really kept in view. I find at page 62 of the Tariff Board's Report this passage——

THE HONOURABLE MR. T. A. STEWART: It might save time if I say that the answer is "Yes".

THE HONOURABLE MR. P. C. D. CHARI: "The United Kingdom price——"

THE HONOURABLE THE PRESIDENT: You need not read that. The Honourable Mr. Stewart said that the answer is "Yes".

THE HONOURABLE MR. P. C. D. CHARI: They say that a figure had to be fixed arbitrarily. The price of continental and British galvanized sheets have been fixed by the Ottawa Agreement and these have been arrived at somehow. The figure of Rs. 160 for British goods and Rs. 130 for continental goods have been fixed somehow. They could not explain it, but in view of the statement by the Tariff Board at page 62 that continental prices and British landed prices were the same in respect of this class of goods, I cannot really understand why the differential duty has been fixed like that? If really British goods were only worth Rs. 130 and for the purpose of calculating the differential duty here, it had been put at Rs. 160, then it is a bounty of Rs. 30 given to the British manufacturer and I cannot see why this bounty should be given to the British manufacturer in respect of a class of goods which really benefit the agriculturist most; and in several parts of the report they seem to be very keen about the interests of the agriculturists and if really a lawyer of the standing of a High Court judge had been the ch irman of the Board, in spite of the fact that the Ottawa Delegation were committed to this figure of Rs. 160, he would have really found out the correct landed price and the d fferential duties would have been calculated on that basis and this bounty of Rs. 30 per ton on galvanized sheets would have been avoid

Sir, I have got several topics to touch upon, but in view of the fact that the Council is tired, at this stage I shall resist the temptation of speaking on them.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, in the course of the very exhaustive—and at some times exhausting—debate

on this Bill practically every aspect of this question has been explored in all directions. There is very little, I think, that is left for me to say. In the first place, however, I should like to contradict as emphatically as I can the suggestion that any disrespect has been shown to this Honourable Chamber by the Commerce Department, as a result of which this Bill was not referred to a Joint Select Committee. The reference of Bills to Joint Select Committees was the subject of an equally exhausting debate in the last Delhi session and I think if the Honourable Mr. Hossain Imam would cast his mind back to that debate, he might think fit to withdraw his allegation.

Before going further, I should like to associate these benches with the tribute that was paid by the Honourable Sir Rumunni Menon to the Tariff Board. I do not think that any fair-minded man inside this Chamber or outside could fail to deplore the abuse and mud-slinging that greeted the publication of the Tariff Board Report. The Tariff Board, I am glad to think, are too big men to mind what the little ones say.

THE HONOURABLE MR. HOSSAIN IMAM: What were the Government doing? What about the Government's rejection of the Report of the Tariff Board on the textile industry?

THE HONOURABLE MR. T. A. STEWART: Government did not indulge in any personalities, whatever they did.

Mr. Hossain Imam objects to the preamble of the Bill. After what he himself has said, our draftsman has to be congratulated. According to us, it is a Bill for the modification and continuance of the protection afforded to the iron and steel industry. It is also a Bill to impose an excise duty upon certain steel. According to the Honourable Mr. Hossain Imam it is designed to cast an additional burden on the consumer and to favour the British manufacturer. In these circumstances the short title seems to me the most appropriate one, all circumstances being considered! Many voices have been raised for the consumer and it must be admitted that the consumer has to bear a burden. It is of the essence of the theory of protection that he should do so, and I think at this stage it is entirely fruitless, it is entirely an academic pursuit, to endeavour to measure in terms of so many lakhs or so many crores what is the worth of this protection to the country as a whole. If any Honourable Member wishes to indulge in that calculation, I should be very glad if he would work out for me what is the potential benefit of having established a basic industry like the steel industry if in the future there comes a time of national emergency. I should be glad to have an answer to that question; I myself can give none. At any rate it is hoped that in practising this policy of discriminating protection, we have endeavoured, whatever burden must be imposed on the consumer, that it should be kept as low as possible.

Certain Honourable Members have referred to what they call monopolistic tendencies of the Tata Iron and Steel Company and they have asked that some check should be put to any such monopolistic tendencies. I think, Sir, in the assurances that have been given in respect of the supply of steel billets to the re-rolling industry and the assurances that have been given in respect of the tinplate industry, Government have given an earnest that they are not unmindful of the dangers that might arise from monopolistic tendencies. Again, my Honourable friend, Sir Ramunni Menon, who is not here, expressed

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a certain amount of apprehension on behalf of the potential steel industry in Mysore. I think that he has misunderstood the terms of the Report of the Select Committee of the other House. The assurance that was received by the Select Committee was not that Government would undertake that in no circumstances a British Indian industry should suffer from the competition of an industry established in Mysore. What the assurance means is this, that, should such an industry arise, in the interests of the Indian industry, out of fairness to the Indian industry, it would not be permissible for steel from that State to come into India and escape the incidence of an excise duty. That is the whole meaning of that phrase from the Select Committee's Report.

Apprehension was also expressed that in their freight engagements with the Railways, Tatas had received unfair and undue advantage. There is nothing secret about the freight contract. Tatas pay the ordinary public rates for all the traffic they give to the Railways, with this condition that, when their total traffic exceeds 350 million ton miles per year, a rebate of 25 per cent. is given. That, Sir, is not an extraordinary contract. If any of us manage to put 350 million ton miles of traffic in the hands of any railway, I have no doubt that our claim for a corresponding rebate would receive consideration.

So far as there has been serious criticism of this Bill, it has been concentrated on two points—one the differential duties and the other the excise duty. Now, I do not know whether it was of direct purpose or not, but in the course of the debate it was suggested to me that certain Honourable Members regarded or wished us to regard these differential duties as innovations. As one Honourable Member said, the differential duty is an innovation introduced seven years ago. Well, it is either an innovation now or was an innovation seven years ago. It cannot be both, and I venture to think that the Legislature that put those differential duties on the Statute-book originally was no less jealous of India's rights and no less jealous of the encroachment on those rights by the United Kingdom than this Honourable House is, and I would remind the Honourable Members who objected so strenuously to differential duties—or preferential duties, as they call them—that the responsibility is not that of 1934 but it is a responsibility that goes back to 1927.

THE HONOURABLE MR. HOSSAIN IMAM: Conditions were different.

THE HONOURABLE MR. T. A. STEWART: Conditions, Sir, I admit, were different. It has been said by many Honourable Members that these are in effect not differential duties but they are really measures of imperial preference. I had thought that that theory was exploded some considerable time ago but it has now been revived. The Honourable the Commerce Member, I thought, had dealt sufficiently well with the subject but he does not appear to have satisfied Honourable Members on the opposite benches. They have sought to prove three things. One, that these differential duties will antagonise foreign countries and as a result that India's foreign trade will be prejudiced. Now, let us take the case of—I take it because it is our most important import—let us take the case of galvanized sheets, on which a duty

of Rs. 40 is proposed on continental sheets and Rs. 10 on British sheets. Does it alter the situation for the continental producer if you change the Rs. 10 into Rs. 40 in the case of the United Kingdom sheets? If Rs. 40 is going to kill the continental trade it is going to kill it in any case, so I cannot see that it is going to do any good to revise the duties. It will not help in that respect. Two other arguments have been advanced. Relying on the imaginary instance given by the Honourable the Commerce Member, many curious results have been evolved but I would refer again to this case of galvanized sheets. The fair selling price of Tatas' sheets is Rs. 170 a ton. The landed price of British sheets (*pace* the Honourable Mr. Chari) is Rs. 160 a ton, the equating duty being Rs. 10. For continental sheets, the landed price is Rs. 130 a ton but the equating duty is Rs. 40 a ton. What would happen if the duties were equalised and Rs. 40 were made applicable to all sheets imported? Well, in the first place you must realise that Tatas cannot supply the whole Indian demand. What is going to happen? The first thing that happens is that British sheet is entirely out of the market. It cannot compete at Rs. 200. And the next thing that is going to happen is that the continental supply, having a partial monopoly of the market is certainly not going to sell at Rs. 170, and Tatas, if I judge them aright, are not going to sell at Rs. 170 either. The result is that the ultimate figure arrived at will be something just under Rs. 200. It is perfectly true that my Honourable friend, Sir Alan Parsons, will get the benefit of the duty, but who is he taking the duty from? The purchaser of these sheets. And who is the purchaser of these sheets? Not us, Sir, but the cultivator.

THE HONOURABLE MR. P. C. D. CHARI: If the landed prices are the same, then there ought to be no differential duties, but a uniform duty on galvanized sheets.

THE HONOURABLE MR. T. A. STEWART: If the Honourable Mr. Chari had done me the honour to listen to what I said on Saturday, he would not be under this apprehension. If he had been interested enough to read the debates in another place, where his theories were utterly exploded, again he would not be under this apprehension. The landed price is not the same. It is Rs. 160.

THE HONOURABLE MR. P. C. D. CHARI: But the Tariff Board says it is the same in both the cases.

THE HONOURABLE MR. T. A. STEWART: As I was saying, Sir, it is quite true that the revenue might be improved by such a device, but it would be improved only at the expense of the poorest cultivator and that is a device, Sir, which the Government of India were not prepared to adopt.

I will refer to the challenge that was thrown out by the Honourable the Commerce Member that it has not on this occasion been shown that the levels of duties proposed by the Tariff Board were wrong. The Honourable Mr. Hossain Imam has taken up that challenge and he wishes to prove that in one instance at least those duties are wrong. To do so, he has gone back to the report of 1927. He has discovered that there the Tariff Board said that there is a selling margin between the price of British tested steel and continental untested steel and from that he deduces that there must be a difference in the selling price of British tested steel and Tatas' tested steel. I cannot follow

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his logical processes, but I am prepared to admit that there is a difference. There is a slight prejudice against Tatas which I hope will soon be wiped out. But I would point out that this has been taken account of and that there has been an addition to the fair selling price on account of the lag of Tatas' selling prices behind import prices. I am referring to paragraph 91.

THE HONOURABLE MR. HOSSAIN IMAM: I will refer the Honourable Member to paragraph 96.

THE HONOURABLE MR. T. A. STEWART: Excuse me. If you will refer to paragraph 91 you will find that it deals entirely with the price allowance for the lag between import and realised price. An addition is made to the fair selling price f. o. r. Tatanagar in order to allow for that lag. I will refer the Honourable Member to paragraph 91.

THE HONOURABLE MR. HOSSAIN IMAM: And I would refer the Honourable Member back to paragraph 96.

THE HONOURABLE MR. T. A. STEWART: There remains only the question of excise. In the course of the debate I have heard more than one reason adduced for the imposition of an excise duty. I think I do not commit any financial heresy if I say that there is only one reason for the imposition of an excise duty and that is, in order to get money. There has been another discovery regarding excise duties. The discovery is—it is said to be a new one—that an excise duty, and this duty in particular, places a burden on the consumer. Well, I should be extremely surprised if it did not. An excise duty, in its nature, is a tax on consumption, as a revenue customs duty,—not a protective duty,—is, and though we realise that such a burden has to be borne, as I have already said it is only stark necessity that has led us to the imposition of that duty.

In the course of his speech, the Honourable Mr. Hossain Imam complained that the Government did not explore other avenues down which revenue might roll. I am not quite sure that he is correct in saying so, but I should like to ask him whether he has explored those avenues, and what has been his success ?

THE HONOURABLE MR. HOSSAIN IMAM: Export duty on gold, Sir.

THE HONOURABLE SIR ALAN PARSONS: I do not know if the Honourable Member anticipates that the proceeds of an export duty on gold will be sufficient to replace annually the recurring revenue we are losing.

THE HONOURABLE MR. HOSSAIN IMAM: Even last week, Rs. 10 lakhs worth of gold was sent out on account of the rise in prices.

THE HONOURABLE MR. T. A. STEWART: Whatever may have been the Honourable Member's explorations, he was not good enough to let me know his secrets early enough in the debate for me to give any proper answer.

THE HONOURABLE MR. HOSSAIN IMAM: It has been before the House for the last two years, Sir.

THE HONOURABLE MR. T. A. STEWART: Well, I do not think, Sir, that there is any further point to which I need refer.

With these words, Sir, I again commend this Bill to this Honourable House. (Applause.)

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 2 stand part of the Bill."

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I rise to move:

"That in clause 2 (*a*), the proviso to the proposed sub-section (*4*) be omitted."

The proviso in question runs thus:

"Provided that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture".

Sir, I do not propose to make a long speech on this amendment at this late hour. But I will just say this. The Honourable Mr. Stewart has said that the duties are of a differential character, and not of a preferential character, and that we are wrong in assuming that the duties are of a preferential character. Now, Sir, my answer to that argument is furnished by this clause. This clause shows that we are giving a most favoured nation treatment to Great Britain, because it says "that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture". What is the corresponding advantage that we are going to get for this preferential treatment ? It is preferential treatment because we are distinguishing here in this clause between British manufactures and manufactures of other countries. I wish to ask, Sir, whether there is any such clause in the British Steel Protection Act and whether we are going to get any corresponding advantage from Great Britain. Would it be correct to say that we have this clause here because of the political subordination of the Government of India ? Apparently, that is the reason for this clause. So far as I have been able to gather, there is no real advantage that we are going to get for this concession. Sir, this provision will continue even when economic prices are quoted by continental countries. Is it, therefore, correct to say that we in this country enjoy any such thing as real fiscal autonomy ? It is for this reason that I attack this clause, and I will be obliged if the Honourable mover will explain why it should not be regarded as a clause giving preference to Great Britain.

With these words, Sir, I commend this amendment to the acceptance of the House.

THE HONOURABLE MR. T. A. STEWART: Sir, I rise to oppose this amendment. In doing so, I am led to ask what the object of the Honourable Member is in moving this amendment ? Is he under the impression, may I ask, that this is a new proviso that we have suddenly imposed on our fiscal law ?

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I do not know whether the Honourable gentleman will be so good as to inform me whether that is so.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I believe it was in 1927 also.

THE HONOURABLE MR. T. A. STEWART: The Honourable gentleman is quite correct.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Why should the discretion of the executive or the Legislature be fettered by this clause?

THE HONOURABLE MR. T. A. STEWART: So long as the Honourable Member makes it quite clear that he realises that this is a provision which has been in the law from 1927 it simplifies my task. Again, I would ask, what does he seek to achieve by removing this? Has it at any time in the past and is it likely at any time in the future to have any practical effect? In view of the evidence that we have had from the Tariff Boards from 1924 onwards, I think the answer to that question is that, whether he removes this or whether he does not, it will have little practical effect. Then why remove it? Is he actuated by any animosity towards the United Kingdom?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: No, no.

THE HONOURABLE MR. T. A. STEWART: Then what may I ask him does he seek to do?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Why fetter the discretion of the executive?

THE HONOURABLE MR. T. A. STEWART: I shall ask the Honourable Member that question when he comes to his next amendment. But it appears to me that it is entirely ill-advised at the present time that he should seek to remove what has been on the Statute book for the past seven years and has in no way affected adversely India's interests.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in clause 2(*a*), the proviso to the proposed sub-section (*4*) be omitted."

The Question is:

"That that amendment be made."

The Motion was negatived.

THE HONOURABLE THE PRESIDENT: The next amendment is also that of the Honourable Mr. Sapru. I am not prepared to give my consent to the moving of this amendment. I think it is a wholly impractical amendment. Under sub-clause (*4*) powers are vested in the Governor General to alter any duty when it has been found ineffective or excessive by notification. This amendment seeks to establish that when such an order has been passed the notification should be placed before both Chambers of the Indian Legislature, and if within two months no resolution has been passed and no action taken,—unless in the meantime it has been approved by a resolution of each Chamber, it shall cease to have effect. I will put a practical instance. Suppose a fortnight after Wednesday when we disperse Government find it necessary to alter

the duty by a notification. Neither of the Chambers will be sitting, but the notices will have to be put in for two months. The next Council will not meet till November and it will be absolutely impracticable. Even if an amendment of this nature is passed it will be difficult to put it into execution. For these reasons I consider the amendment is not admissible and I am not prepared to allow it to be moved.

THE HONOURABLE MR. HOSSAIN IMAM: May I make a statement?

THE HONOURABLE THE PRESIDENT: On what? My ruling has been given.

THE HONOURABLE MR. HOSSAIN IMAM: On behalf of my Party.

THE HONOURABLE THE PRESIDENT: A ruling by the President is final. No debate, no explanation, no arguments are allowed.

THE HONOURABLE MR. HOSSAIN IMAM: Then we had better walk out. It is useless to remain in the House now.

(The Honourable Member and other Members of his Party left the Chamber.)

THE HONOURABLE THE PRESIDENT: The Question is:

"That clause 2 stand part of the Bill".

The Motion was adopted.

Clauses 3 to 10 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 MR. T. A. STEWART: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN TARIFF BILL.

THE HONOURABLE MR. C. GOVINDAN NAIR (Government of India: Nominated Official): Sir, I move:

"That the Bill to consolidate the law relating to customs duties, as passed by the Legislative Assembly, be taken into consideration."

The Bill does not introduce any change in the existing laws. The object of the Bill is twofold. The law relating to customs duties is spread over several enactments, commencing from the Indian Tariff Act, 1894, passed nearly 40 years ago. In consequence of the numerous amendments introduced by these enactments the Schedule has lost its shape and the numbering of the items therein its serial character. The items are also not arranged on a logical or scientific basis. The object of this Bill is to consolidate these various enactments and to re-classify the various articles on a scientific plan, so that it may be possible to find out the duty on a particular item without any difficulty and without recourse to an index.

Sir, I do not want to go into any details with reference to the provisions the Bill. The body of the Bill reproduces the existing provisions which

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require to be retained. The First Schedule classifies the various articles and items under 21 main sections in accordance with the classification adopted by the Economic Committee of the League of Nations in the preparation of a framework of customs nomenclature designed for international use. The Second Schedule gives the list of enactments which have been consolidated, and which as a result of the consolidation have got to be repealed.

Sir, I move.

The Motion was adopted.

The First, Second and Third Schedules were added to the Bill.

Clauses 2 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. C. GOVINDAN NAIR: 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 Tuesday, the 4th September, 1934.

APPENDIX "A".

Invisible profit at 4 per cent. duty per ton should be added to Table XXI, page 51.

—	1 Fair selling price at Tatanagar at Rs. 4 per ton excise duty, *vide* Table XXI, page 51.	2 Landed price without duty.	3 Proposed duty, *vide* page 54, Table XXIII.	4 Landed duty paid price.	5 Invisible profit per ton (column 4 — 1).	6 Total output in tons.	7 Invisible profit in rupees.
Rails	99	113	10	123	24	80,000	1,920,000
Fish-plates	137	151	10	161	24	3,000	72,000
Structurals	104	113	10	123	19	11,700	2,223,000
Bars	98	86	15	111	13	80,000	1,040,000
Plates	103	114	10	124	21	35,000	735,000
Semis	57	64	10	74	17	1,10,000	1,870,000
Black steel	126	119	16	135	9	25,000	225,000
Galvanized sheets	163	160	15	175	12	90,000	1,080,000
Sleepers	82	86	10	96	14	15,000	210,000
Total ..	..	..	..	..	..	..	93,75,000

APPENDIX "B".

Table of visible profit at 4 per cent. interest, Table XIV, page 43.

			Lakhs of Rs.
Total			199·00
	Lakhs of Rs.		
(1) Depreciation	78·00		
(2) Interest on working capital at 4 per cent. ..	7·50		
(3) Managing Agents' commission and head office expenses.	8·00		
Total ..	93·50		93·50
Balance			105·50
Invisible profit			93·75
Latent profit			12·00
Extra profit			18·00
Total ..			229·25 per annum
Seven years' amount ..			×7
GRAND TOTAL			1,604·75

APPENDIX "C".

Sad plight of the Muslims in the Tata Iron and Steel Co., Ltd., Jamshedpur.

Department.	Total No.	Non-Muslim.	Muslim.	Remarks.
General office	569	554	15	
Town engineering	70	65	5	In a city which claims about 30 per cent. Muslims.
Coke ovens	1,400	1,330	70	
Coke ovens (Foremen)	40	40	..	
Electrical power plant repair and armature shop. Engineer ..	293	263	30	
Foremen ..	14	13	1	
Clerk ..	12	12	..	
	40	40	..	
Medical	183	178	5*	*These five include two chowkidars and one dresser drawing Rs. 20 per month.
Open hearth (Foremen)	20	20	2	
Machine shop and soda plant ..	820	770	150	
Do. do. (Foremen)	33	29	4	
Blacksmith shop	650	550	100	
Time office	125	109	16	
Main store	143	127	16	
Construction	175	168	7	
Do. (Foremen) .. .	3	2	1	
Repair gang	66	58	8	
Blast furnaces (Foremen) ..	33	31	2	
Blast furnaces repair gang (Foremen)	23	18	3	
Blast furnaces (Clerks)	20	20	..	
Technical institute	27	27	..	
Schools (16)	225	205	20	
Dairy Farm	80	75	5	
Pattern shop	250	232	18	
Duplex plant (Foremen) ..	46	45	1	
Blooming mill (Foremen) ..	72	68	4	
Sheet mill (Foremen)	46†	45	1	†These 46 men are drawing from Rs. 100 to Rs. 3,500.

COUNCIL OF STATE.

Tuesday, 4th September, 1934.

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

MEMBER SWORN:

The Honourable Mr. George Hemming Spence, C.I.E., I.C.S. (Legislative Secretary).

QUESTION AND ANSWER.

Cost of Printing the *Fauji Akhbar*.

216. The Honourable Rai Bahadur Lala RAM SARAN DAS: (*a*) Will Government kindly state whether the *Fauji Akhbar* is printed by a private press in Simla? If so, how many copies and at what annual cost?

(*b*) What will be the cost of printing it in bigger private presses at Lahore or elsewhere?

(*c*) What is the annual cost of (*i*) editing, and (*ii*) printing the *Fauji Akhbar* and what is its annual total income?

His Excellency the COMMANDER-IN-CHIEF: (*a*) and (*c*). The *Fauji Akhbar* is printed in a private press in Simla.

During 1933-34 the weekly average number of copies printed was 10,351.

For the same period the pay of the Translation Section of Army Headquarters which carries out the editing, managerial and translation duties connected with the *Fauji Akhbar* as well as the general translation work of Army Headquarters, and of the officer in charge thereof who is the editor of the paper amounted to Rs. 42,838, but it is difficult to say what proportion of that sum related to the *Fauji Akhbar*. Rs. 29,158 were expended on printing and wrapping and Rs. 16,693 on paper, blocks, postage, remuneration to contributors and office contingencies.

The income was Rs. 36,944. It may be added that it was never the intention that this paper should be a commercial proposition. Numerous copies are distributed free, and one of its principal objects is the education and welfare of the troops.

(*b*) Tenders for printing by private presses in Delhi and Lahore have been received and are under consideration.

The Honourable Rai Bahadur Lala RAM SARAN DAS: Is it essential that this paper should be printed in Simla at a comparatively heavy cost or could it be printed anywhere else?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I just said that tenders from other presses have been called for and will be considered.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I ask why it could not be printed by the Government Press ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I must ask for notice of that question.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government also consider if it is possible to get it printed in the Government Press when they are considering the tenders of private presses ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I will have that matter considered.

STATEMENT BY THE HONOURABLE THE PRESIDENT EXPRESSING REGRET FOR THE RULING GIVEN BY HIM IN REGARD TO CLAUSE 2 OF THE IRON AND STEEL DUTIES BILL.

THE HONOURABLE THE PRESIDENT: Honourable Members, with reference to the amendment of the Honourable Mr. Sapru in regard to clause 2 of the Iron and Steel Duties Bill and the ruling which I gave yesterday evening on it, I should like to make a statement. While it represents my own view, to which I adhere, I find that the amendment has been framed on the lines of clause 3 (*1*) of Act XIII of 1933, an Act to provide for the imposition of additional duties of customs on imported goods for the purpose of safeguarding industries in British India. There are also some other Acts where such provisions are found. The existence of these precedents inadvertently escaped my memory when I pronounced my ruling yesterday. I feel I should have followed those precedents, whatever might have been my personal opinion on the subject. It is therefore only fair that I must express my extreme regret in this connection for the inconvenience caused to the Honourable Mr. Sapru in not permitting him to move his amendment and I do so accordingly. I am very pleased to see that the Honourable Members of the Progressive Party are in their places this morning and I can unreservedly assure the Party that as long as I occupy this office I shall always be ready and willing to show all possible fairness and consideration to all Parties in this House. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, having heard what you have said—and that is what we expected from a high personality like you—I rise to assure you, on behalf of my Party, of our complete confidence in you. Having known you and your conduct in the Chair for some years past, we may assure you that we have not misunderstood you. The incident is over and has left no kind of bitterness behind. We hold you in the same esteem and have the same regard for you as we had before. (Applause.)

THE HONOURABLE THE PRESIDENT: I thank the Honourable Member for his kindly sentiments.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Will you kindly allow me, Sir, to express my complete confidence in you and my regard and esteem for you as the President of this Chamber ? (Applause.)

INDIAN ARMY (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I beg to move:

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The object of this Bill, Sir, is to provide for legal status of the first batch of young gentlemen cadets who will be shortly passing out of the Indian Military Academy at the end of this year. These officers will be designated "Indian commissioned officers" and will receive commissions in His Majesty's Indian land forces more or less on the Canadian and Dominion model. The form of commission is as a matter of fact identical with that which has already been given to the officers of the Indian Air Force. The existing officers of the Indian Army are first of all the British officers who hold commissions in His Majesty's land forces, and secondly, the well known officers, the Indian Viceroy's commissioned officers. We now propose to institute a third category who will gradually oust the others from that portion of the army which is destined for Indianization; and on the Dominion principle it is proposed to include these Indian commissioned officers under the Indian Army Act and not under the British Army Act, so that in time to come the new Indian Army will be governed by its own statute. Two-thirds of the clauses of this Bill deal with the introduction of the new Indian commissioned officer. A small number of further clauses deal with the warrant officer, who if he is not exactly new is certainly new in the Indian Army in the fighting units, and we are instituting that class exactly on the model of the warrant officer in the British Service. The remainder of the Act merely aims at bringing the Indian Army Act into line with the Indian Air Force and our own Army Act. Within the Indian Army itself there will be almost complete reciprocity between the British officer and his brother officer, the Indian commissioned officer, as regards powers and privileges, with the exception that the purely British officer will have an ultimate right of appeal to His Majesty, which, as I dare say those who take an interest in this subject may have observed in a note to section 42 of the Army Act, is not encouraged at all. As regards conditions of service, which are not affected by this Bill, it is proposed that the Indian commissioned officer shall have his pay, leave and certain other conditions laid down according to Indian standards. The pay will naturally not be as much as the British officers who are banished from their own country have, nor will the leave naturally be the same. You cannot expect that we should offer to these officers more than we offer to our own officers when they are serving in their country, and the new pay will be almost exactly the same as our own officers receive, almost shilling for shilling, when they are serving in their own country in England, and they will have the same leave,—60 days or whatever it is in the year, and naturally not have the same six months or more every few years as our officers have which is absolutely necessary in most cases for the good health of the European. The Bill deals only with the position within the Indian Army. The position

[His Excellency the Commander-in Chief.]

of the officer commissioned in His Majesty's land forces, *vis-a-vis* the officer commissioned in the forces of a dominion, is quite plain and that is that neither of them has any automatic power or authority over the other. The only exception to that rule, I believe, is in Canada where, if a British full-commissioned officer goes to Canada, the Canadian commission confers full power over him there but it does not convey full power over him if he is fighting in another country, and a very important proviso is that a British officer who chooses to come and serve there cannot be ordered to do so but only goes there by his own free will. That being so, special provisions have always to be made to meet any case where these two different classes of officers find themselves serving together and that power is conferred by section 181 of the Army Act. On the other hand, an officer of His Majesty's land forces already has under the Army Act powers of command over all the personnel in the Indian Army. The Indian commissioned officer will, as an officer of the Indian land forces, have certain general powers of command over British personnel, subject to the Army Act. The exact nature of these powers, however, will have to be specified in the King's Regulations later on the analogy of the provisions made in paragraphs 172 to 192 of the King's Regulations now. These paragraphs are rules made under section 71 of the Army Act and they lay down the conditions under which officers of the different categories of His Majesty's forces should exercise command over personnel of corps other than their own. The authorities at home in England have accepted the need for specifying in King's Regulations the exact nature of the command to be exercised by Indian commissioned officers and the rules to be made for that purpose are now under consideration. In such a large and varied organization as the Army in India, in which the British Army and the Indian Army serve in such close contact, there are numerous different circumstances for which more or less general provision has to be made but it can be accepted that the effect of the rules when they are framed will be to empower a commander, from the Commander-in-Chief downwards to the commander of a station, to appoint the occasions when that power of command may be exercised by Indian commissioned officers in relation to the personnel of the British Army in India who may be serving under his command. The power of punishment will naturally not be granted but that is a normal limitation which exists already between officers of the Royal Navy, the British Army and the Royal Air Force. We have no power of punishment over each other's personnel.

Now, as the House is aware, Sir, this Bill was somewhat warmly debated in another place and eventually was only passed by a very narrow majority. Personally, Sir, I cannot but deplore that the discussion in another place took the form that it did because, in spite of the very able manner in which the Army Secretary presented the case and piloted the Bill, I cannot but feel that a great deal at any rate of the opposition was due to pure misapprehension. I myself have discussed this subject with all sorts and conditions of men, Indian and British, and public and private, in India, and I have found, even up as far as the Governor General's Executive Council, I found it even in the case of my Honourable friend on my right here, the Honourable Sir Fazl-i-Husain, that considerable ignorance prevailed on matters which seemed to

us soldiers to be part of our every-day life, and I think we had forgotten that every trade has its own technicalities which seem quite simple to those who are engaged in it every day but which are almost Greek to those who are not. So far as I could judge, the opposition to any part of the Bill, except in one matter, was very slight. I think in the other place they realised that this Bill was obviously necessary and I feel that this House will consider it to be obviously necessary. But the point at issue in the other House was the very delicate one—I say delicate advisedly—of the question of powers of command and privileges of the new Indian commissioned officers *via-a-vis* their brethren in the British Service who are under the Army Act and which I have just explained. Now, I say that I deplore the tone which was adopted in the other House because not only did I think it dangerous from the point of view of influencing the young men who are just coming out of the new Indian Sandhurst but it seemed to me, Sir, to suggest all through that we were not keeping our word in this matter and were deliberately placing the new Indian officers in a position of inferiority ; and most dangerous of all that there would be a grave reaction in the army. Whereas, Sir, as a matter of fact, no concealment whatever has ever been made, at least intentionally, that there must be in existing circumstances and for a certain time a difference between the two commissions. That debate is sure of wide publicity and the first people to read it will be your own young gentlemen cadets who are coming out of the new Indian Sandhurst next January. I cannot help feeling myself that it was scarcely wise to use such unrestrained language as was used which may well discourage these young men and produce that very inferiority complex in them about which we hear so much nowadays and which I for one deny absolutely ever existed in their minds until you put it into them. I feel the utmost sympathy with the Indian politicians who consider it their duty—and it is their duty—to keep a jealous guard over the privileges of these young officers of theirs who are just entering into the service as pioneers in this momentous change which is taking place in the army and I will go so far as to say that I even sympathise with their wish to have something in writing about it in the new Bill. As the House knows, in the other place we were prepared to agree to an amendment which would have gone, I think, a very long way towards, meeting their wishes. But when it was referred to England, we found out- I must say as I feared, that the Law Officers of the Crown had no course whatever open to them but to point out that such a procedure would in fact constitute an infringement of the Royal Prerogative. In no Army Act in the world, so far as I am aware, are the actual powers and privileges of officers mentioned at all or set forth. The Army Acts almost universally confine themselves to the definition of officers as such, to the recording of crimes, punishments, affairs of discipline and so on, and leave to the head of the State concerned the power to make regulations in another document that will actually define the powers and privileges of the officers who are created under the original Act. This, I understand my Army Secretary gave an undertaking, would be done. But it did not, and apparently does not, satisfy certain sections of opinion in this country. Those sections still claim that the Indian commission should confer in fact full powers over all British personnel in the Indian Army and the Army in India as well, and also in what is known as mixed formations where one or more British units serve alongside Indian units I do not say,

[His Excellency the Commander in Chief.]

Sir, that later on, when the Indian officers become senior and prove themselves that this will not take place. But it is prefectly clear to me—and I think it must be to the House—that at the present moment there is no chance whatever of such full powers being given to an Indian commission. Let us not mistake one another over this question of inferiority complex and powers. It seems to me that I hear so much about the inferiority complex now, which certain distinguished Indians feel, that if they do not take great care, other people will begin to think that there is really an inferiority complex. I would ask them to remember that people in England know very little about India, and if they go on talking so much about this inferiority complex, people in England, who have the fate of this country in their hands, will begin to think that there is really one, and that they are not fit to take on this or that responsibility. I am perfectly convinced and I am sure that there are a great many people in this country now under whom I or any soldier would not have the slightest objection to serve—people like old Sir Pratap Singh who have proved themselves in war and under whom all our officers would gladly serve. I should not have thought of any inferiority complex in this case. I do not feel any inferiority complex because I am sitting under the leadership of my friend here on my right who is an Indian gentleman and I happen to be British. Why? Because, he has proved himself an able man and, above all, because we are both pulling in the same boat. That is why I feel no inferiority complex. It is said that we should do the same in the army as we do in the civil services. I would ask them to remember, Sir, that the civil services have been Indianized, or they have been in the process of Indianization for a great number of years, and there is now very nearly 50 per cent. Indianization in the civil services. But do you think that there would have been all these privileges given to the Indian civilians that you claim now for your young officers when they first began? People were watching to see how they were developing; they developed and have proved that they are fit to undertake those responsibilities in the same manner that I think your young officers will do. There is no comparison between the two. Your Indianized portion of the army are just beginning. They are a young plant, and I would ask you to remember that when we people are responsible, as we are, for the safety of India, we cannot afford to take risks in the matter. If you, in the civil service, make a mistake, you have so many others to correct you and, after all, a mistake in civil life can be corrected. But a mistake in war can never be corrected. Until we are sure that these young men are fit in every respect to take the place of the young men we are replacing, we must have our eye on them and not give them full powers until they have proved themselves. Inside the army, I feel perfectly convinced that there will be no difficulty whatever. There may be some small legal difficultics, and that is for the Law Officers to solve. But I am quite certain that the British officers who join in the future the Indian Army, and who find themselves junior, as they will, to your young men who are coming out of the Indian Military Academy, will loyally accept the position. I am perfectly certain of that, for, if they do not do so, the position would obviously be impossible. Neither do I anticipate the least difficulty with regard to the special cases which the Army Secretary said would be provided for in the future by special regulations in the King's Regulations, such as

officers employed on garrison duties, boards, junior staff officers, and such like things. Having said this much, Sir, I do hope that the discussion in this House will proceed on sober lines, with every thought and with every care that what is said here may not injure the prospects and the self-respect of your own young Indian officer.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non-Muhammadan): Sir, the Bill which has just been moved for consideration by His Excellency the Commander-in-Chief is the most controversial measure which has been introduced in this session. Sir, His Excellency the Commander-in-Chief has said a great deal about inferiority complex. I am not going to follow him into the question of this inferiority complex. The inferiority complex is there and the inferiority complex will continue until India achieves Dominion status. Situated as we are, perhaps it is inevitable that we should feel this inferiority complex and I do not apologise for it.

Sir, it is necessary to examine the scheme which His Excellency the Commander-in-Chief has placed before us carefully, and it is also necessary to speak with a certain amount of straightforwardness notwithstanding the possible repercussions on the recruitment to the army about which His Excellency the Commander-in-Chief is so very solicitous and anxious. The position today is that in this country we have two armies. There is the British Army, and its discipline is regulated by the British Army Act; and there is the Indian Army, and its discipline is regulated by the Indian Army Act. Now, the Indian Army Act at present only regulates the discipline of the Indian officers who are hereafter to be done away with, the Viceroy's commissioned officers. It does not regulate the discipline of His Majesty's commissioned officers; the discipline of His Majesty's commissioned officers is regulated by the British Army Act. It is hereafter intended to create a new class of officers called the Indian commissioned officers, and it has therefore become necessary to have a discipline Act for this new class of officer. Therefore the very first question which we have to consider is whether the creation of a new class of officers to be called Indian commissioned officers is at all in the circumstances of this country necessary. And if it is necessary to create this new class of officer, what the status of this new class of officer should be, what the prospects of promotion, what powers of command, of this new class should be, not merely in relation to the Indian Army but also in regard to mixed formations? Now, Sir, it is necessary, in order to make my position clear on this question, to enter into a little history of the military policy that has so far been pursued in this country. The army policy of Britain in this country has been subjected to a great deal of criticism by Indian nationalists. It is a policy on which I think Britain cannot legitimately congratulate herself. It is a policy which has been adversely commented upon—not merely by rabid Indian politicians, not only by moderate politicians like Sir Sivaswamy Aiyer, Mr. Abdul Rahim, for whom personally I have very great respect because they belong to my school of thought, but it is a policy which has been commented on adversely in the past by a distinguished soldier like General Sir George Chesney. You will find that in his book *Indian Polity*. He is very abusive in that book of the old Indian National Congress, a very moderate body, as it seems to us today, the Congress of 1887 and 1888.

[Pandit Prakash Narain Sapru.]

But even he has to admit that your military policy has not been what it should have been in this country. Well, Sir, it was not until after the Great War that commissions were given to Indians, and then it was really because the India Office was presided over by the greatest Secretary of State that this country has ever known, Mr. Montagu, that there was a change in the policy of the Government in regard to military affairs. And then while the number of commissions was very small, there was this to be said that the men who were going to be admitted to the army were to be admitted on terms of perfect equality in the army. That was the position, Sir, in 1917. Theoretically the Indian officer today can be attached to any unit, as he has theoretically the same status as the British officer. He has the same commission today as the British officer in His Majesty's land forces. In practice of course we know that he can serve only in certain Indianized units.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: That is not so. The officers who got commissions immediately after the war are serving in all units all over India.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Well, I was thinking of the policy of having Indianized units. Indians now are only attached to certain Indianized units.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Those are the new officers. I am talking of the officers who got special commissions after the war.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I will leave it there. The declaration of policy in regard to the British goal in this country was made in 1917, and thereafter Indians began to demand that in view of that declared goal there should be more rapid Indianization. From 1917 you have had a number of committees which have considered the question and the pace at which Indianization should proceed. You have had Lord Rawlinson's Committee; you have had the Indian Legislature moving a Resolution that 25 per cent. of the annual vacancies should be reserved for Indians, the 25 per cent. to be increased gradually to 50 per cent. Government accepted that Resolution and no action has been taken on it. You had the Skeen Committee's Report, and then we had the Round Table Conference in 1930, which was preceded by a very memorable declaration in regard to the ultimate issue of India's political evolution being Dominion status. Well, Sir, in 1930 the Defence Sub-Committee of the Round Table Conference met and what did that Committee decide? Did that Defence Sub-Committee contemplate that there would be a new class of officer to be called the Indian King's commissioned officer created as a result of its recommendation that there should be substantial Indianization? Sir, I have read the proceedings of that Defence Sub-Committee with very great care and I find that what happened was that there was an agreement that there should be substantial Indianization and increase in Indianization in view of the new advance of the political structure of India. What happened further was that the Defence Sub-Committee recommended that so far as the Sandhurst door is concerned it should be kept open to Indians, but they wanted the Sandhurst door to be supplemented by a new door in India, and for that purpose they wanted an Indian Military Academy to be established on the lines of Sandhurst and Woolwich in England. That was the recommendation of the Defence Sub-Committee. I do not think that the Indian members of the Defence Sub-Committee would have agreed to those propositions for a moment if they had been told that the Sandhurst door would be closed to them. But, Sir, what happened after that? We had an Indian Military College Committee here and that Committee was precluded by the terms of its reference to go into certain wider questions of Indianization. The brave Indian members of that Committee, notwithstanding the narrow terms of reference, wrote their minutes of dissent and they are entitled to credit for the courage and the independence that they showed in regard to the terms of reference of that Committee. Well, the result was that the Sandhurst door was closed. Even then there was no statement that it was intended to create a new class of officers to be called Indian King's commissioned officers, and all along we have been under the impression that the status, the opportunities for command, the position of these Indian officers would be exactly the same as those of the British officer. Therefore, Sir, when we are told that we are accusing the British Government of a breach of faith, well, I am sorry to use strong language, we plead guilty to the charge. The condition therefore is that we have never demanded the creation of this new class of officers. It is you who in pursuance of the policy of segregation are doing it. Therefore so far as we are concerned we are in no way responsible for this policy and we have to examine very carefully the provisions of this Bill to see that the position of the Indian officer *vis-a-vis* the British officer *vis-a-vis* the British Army, for which we pay in this country,—and it is only now that a small part of that army is going to be paid for by Britain,—it is for us to see that *vis-a-vis* the British Army *vis-a-vis* the mixed formations, the position of the Indian officer is exactly the same as the position of the British officer. Sir, His Excellency the Commander-in-Chief has referred us to the Dominions and has said that

"We are going to give you exactly what the Dominions have".

Now, Sir, let us be quite frank about it. Dominion status is not in sight. British politicians today fight shy of the use of the words "Dominion status". Subtle distinctions are made between responsible government and Dominion status. Lord Rankeillour and the Marquis of Salisbury have told us that

"What Britain is pledged to is not Dominion status, that what it is pledged to is the Preamble of the Government of India Act which talks of the progressive realisation of responsible government as an integral part of the British Empire."

Well, Sir, therefore, why refer us to the example of the Dominions? The Dominions are autonomous communities within the British Commonwealth of Nations. They are in no way subordinate to Great Britain. The Governor General there is in no sense the Agent of His Majesty's Government. I speak subject to correction by His Excellency the Commander-in-Chief, as I am not an expert; but so far as I have been able to discover, the constitutional position in the Dominions is that the Dominions are complete masters of their army; they have complete control over their army. The British officer is not there by virtue of his British commission; he is there by virtue of his Dominion commission. If he chooses to serve in the Dominion army, he is subject to Dominion legislation and Dominion control, not to British legislation and British control. There is no British army of occupation in the Dominions. Therefore

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it is no use when it suits your purpose to refer us to the position in the Dominions and when it does not suit your purpose to say, " Well, you cannot have Dominion status ". You cannot have things both ways. What will be the position hereafter when this Bill is passed ? In future the British door will be closed to Indians. Indians will only get limited commissions in the Indian Army and what will be the position of these Indians in the Indian Army ? We know that in the Indian Army you have formations, brigades, divisions and army corps. So far as the regiment is concerned or the unit is concerned, possibly not much difficulty will arise so far as these Indian officers are concerned. They will have the same opportunities of rising to commands so far as the regiment or the unit is concerned as the British officer. But what about these mixed formations, what about brigades ? Sometimes in a brigade you have got two or three regiments, one is a British regiment and two are Indian regiments. And will this Indian officer be automatically promoted to the position of brigadier, or commander, of this brigade ? What about divisions ? What about army corps ? The Bill does not provide, therefore, for any automatic powers of command so far as the Indian officer is concerned in regard to brigades, divisions and army corps. So far as British officers are concerned, it is admitted in the Majority Report of the Select Committee itself that the British officer will have automatic powers of command and therefore it is no use saying that the position of the Indian officer will be *vis-a-vis* the British officer exactly and identically the same. In one case power of command, prospects of promotion, are guaranteed ; they are certain ; in the other case it will be within the discretion of the commander or of the military authorities to give the command or not to give the command to the Indian officer who happens to be the senior officer. It is therefore not very wrong to say that what you are really doing is to create a provincial service in the army, that the position of these officers will be intermediate between officers of His Majesty's land forces and the Viceroy's commissioned officers. We know the organization of the provincial service. In the provincial service there are certain listed posts reserved for members of the imperial service and what you are really doing by this Bill is to establish this system of listed posts in the army and therefore I say that these officers will not have exactly the same status as British officers. Let us also consider this question of scope a little further. The scope of the Indian Viceroy's commission will be limited to British India. I do not know if that term will include the Indian States and whether in point of fact the position of the British officer *vis-a-vis* the Indian States will not be higher than the position of the Indian officer. So far as active service is concerned, the British commissioned officer will have precedence over Indian officers as they will have a more extensive commission than Indian officers. His Excellency referred to Canada and I was wanting myself to look up the position in Canada yesterday. I asked for a book called the *Canadian Statutes*, but it was not available ; but I looked up *Keith's Responsible Government in the Dominions* and I find there that what Keith says is that in Canada the position is that local forces can be placed under the command of an imperial officer in the event of the two forces being engaged in service in the Dominion only if this is deemed desirable by the Governor General in Council. That is to say, the responsible Government of Canada appoints the occasions on which command

should in the interests of unity of control be given to the imperial officer. That is something very different from what we have been led to believe by His Excellency is the case in Canada. I think, Sir, you will find the position stated clearly at page 143 of Keith's *Sovereignty of the British Dominions*. I do not think it is necessary for me to cite the whole passage.

Then, Sir, let us examine the matter a little further. So far as the salaries of these men are concerned, they will be different. They will be lower than the salaries of the British officers. Sir, I belong personally to a school of thought which believes that the salaries in this country are pitched too high and there ought to be a substantial reduction in the salaries all round. I have got no serious quarrel in regard to the salaries. But I have this to say even in regard to the matter of salaries. These Indian officers will have to live in messes. They will have to live according to European standards. They will have also certain obligations to discharge towards their families and we know under the joint family system what those obligations are. And therefore, Sir, if you do not pay these men adequately they may not be able to live in appropriate style and they may therefore be looked upon as social inferiors. You have therefore to recognise that there are two armies here, that Indianization is proceeding at a snail's pace and therefore, Sir, while I sympathise with the view that the Indian officer should be paid at a lower rate, I am not prepared to regard this question of salaries as wholly unimportant.

Then again, Sir, as I have just pointed out, British officers will have automatic powers of command. Their position in command will be automatic. With Indians this will not be the case. It will be left to the military authorities to give them not so many commands but to appoint the occasions on which they will be able to command the British personnel. Now, Sir, will His Excellency indicate to us what that expression means ? What exactly is the significance of the word " occasions " in regard to this question of command ? We, Sir, want a definite answer to a definite question. We want, Sir, an unequivocal answer to a plain straightforward honest question. That plain straightforward honest question is this. What are the occasions on which you propose to give the Indian officer command ? If you will indicate to us what exactly you are proposing to do under the Regulations, if you will indicate to us that, though on account of some legal difficulty you cannot have this particular clause in the Bill, you are prepared to have this clause substantially incorporated in the Regulations that you will frame, we on our part will be prepared to revise our attitude towards this Bill. We on our part will be prepared to make a response to any gesture of this character on your side. But we want, Sir, a definite pledge, a clear assurance, an unequivocal assurance that substantial improvements, practically identical in language and purport with the amendment which I shall have the honour to move in this House, will be incorporated in the Regulations that you make under this Bill. We know, Sir, that in the army there are certain very rigid tests before a man can rise to a position of command. You have to pass examination after examination before you can become a captain or before you can become a major. And, Sir, if our Indian officers satisfy those tests, why should they not be in the same position as British officers ? You cannot say that there is no difference between the two. In the one case the powers of command are automatic, in the other case

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the power of command to be given to the Indian officer is a matter which rests within the discretion of the higher military authorities. Therefore, Sir, the real substance of our point is this. What will be the position of our men with respect to these mixed formations so long as you have these formations? The fact of the matter is that you are creating a new and very limited form of commission for men who will serve in the army of their country. Before, Sir, we are asked to agree to a new form of commission we are entitled to know what is going to be the nature of that commission, what is going to be the value of that commission, what is going to be the character of that commission? What is, Sir, the difficulty in your giving us an assurance if your object is exactly the same as our object? Why cannot you say today here that in the King's Regulations you will see to it that the position of the Indian officer *vis-a-vis* mixed commissions and *vis-a-vis* the British personnel of the army is exactly, absolutely and wholly identical with that of the British officer?

Sir, take again the question of court-martials. So far as the British officers are concerned, they will be in a position to preside over court-martials over Indian officers. So far as Indian officers are concerned, they will not be allowed to sit on court-martials for the trial of British soldiers or British officers. And this will be so even if they happen to be in command. Just consider the position of the commander who cannot sit in a court-martial over his own subordinate officers. Sir, so far as the legal aspects are concerned, I will reserve what I have to say till I move the amendment of which I have given notice. For the present, in winding up I should like to say that this Bill is based on racial discrimination. I make that statement, Sir, with a full sense of responsibility. It is entirely in keeping with the policy of segregation which has been pursued since the days of Lord Rawlinson, Sir, and it is therefore absolutely and clearly in consonance with the traditions of the Army Department in this country. The Bill, Sir, affects the question of our *izzat*. We know what *izzat* means to Indians. I have, Sir, an appeal to make to those Members of this House who do not ordinarily vote for us. Sir, it is not a question of repression. It is not a question of civil disobedience. It is not a question of the Congress. This is not one of those questions on which there can be any legitimate difference of opinion.

Sir, I would appeal to those Members who do not ordinarily vote with us to rise equal to the occasion and to assert the self-respect of this great country of ours, this great country which we want to be free and independent and self-respecting. (Applause.)

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Sir, the Honourable Member who preceded me has dealt with the subject so eloquently and clearly that he deserves the congratulations of this House and I in my own way feel, Sir, called upon to make a few observations on the Army Bill which is now before this House.

It is quite clear from the statement of objects and reasons that the Bill is meant for giving rank and position to the cadets coming out of the Indian Military Academy, Dehra Dun. This, Sir, I think is essentially necessary as

12 NOON. under the existing statute either in India or in England their position has not been defined. But, Sir, India's self respect demands that these officers should not be placed in any inferior position in their own motherland. It is not that we are clamouring for any rank equal or superior to the existing officers in the Indian Army in any place outside India. But national self-respect compels us to see that we do not rank our officers in any way inferior to anybody else in our motherland.

Sir, under the existing Army Regulations, Indians who have passed out from Sandhurst enjoy the same rank and position as any other British cadet as officers holding the King's commission. No distinction or discrimination is also made in any way amongst the civilians in India, whether European or Indian, when once they are placed in any high office. It is therefore rather inconceivable why Indians coming out of the Dehra Dun Academy should be marked with inferiority in military services.

Sir, as proposed under the present Bill, Indian officers when they get on to higher grades in office will not be placed automatically in charge of "mixed formations," even if they are otherwise qualified to occupy such posts. Sir, we claim for our Indian officers, as a matter of right and not through any special favour, the full privileges and opportunities to occupy all the ranks in the army for which they may be found fit and competent. If this is not conceded in the Bill, then, Sir, we do not think it worth our while supporting it. His Majesty's Government in England may pass any Regulations for these officers as they deem fit. The responsibility in that case will be theirs and as a subject nation we cannot resist the same. But then it cannot be said that India of her own accord put a stigma of inferiority on the forehead of her Indian military officers.

Sir, these are my observations on the implications and importance of this Bill and I am sure, Sir, I am voicing the opinion of the intelligentsia of my country. Finally, Sir, we may be killed but we shall not commit suicide. I appeal to His Excellency the Commander-in-Chief and his able Secretary Colonel Lumby to give to the Indian commissioned officers in the Indian Army the same opportunities, privileges and promotions as are accorded to the British officers in the Indian Army in all units and formations.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay: Non-Muhammadan): Sir, the Army Bill, as emerged from the other House, has not been well received by the people of this country. I must say that the principle of the Bill has been conceived under a very short-sighted and conservative policy. The Bill, when passed into law, will always remain as a canker in the minds of those cadets who will come out of the Indian Military Sandhurst established at Dehra Dun. Sir, whenever an officer coming out of the Dehra Dun Sandhurst will have to be posted for taking command over a British unit in times of emergencies he will have to be given the same rank like other British officers either by a notification or by some other like method as has been admitted by the Army Secretary in the other House. What will be the net result? The net result will be that he will always be smarting under a sense of inferiority. I will not be surprised if this sense of inferiority later on develops into discontent in the whole army. Sir, in an army where implicit discipline is required discontent is the last word which should ever be allowed

[Sardar Shri Jagannath Mahara Pandit.]

to creep in. It may be argued that the present Viceroy's commissioned officers hold lower rank but they are not discontented in not being able to have the power of command over British troops, then why should these Dehra Dun cadets have any reason for such discontent ? I must say that the Dehra Dun cadets would certainly have a reasonable complaint as they having the same military training, as is imparted at the English Sandhurst and having the highest standard of educational qualification will naturally feel resentful if they are not given the same status with their British confreres. There is no denying the fact that the Dehra Dun cadets would be drawn from families having a very high social position and would be drawn by competitive test, which means that the cadets would be highly educated as well. There cannot be any comparison between the Dehra Dun cadets and the present-day Viceroy's commissioned officers. Before I conclude, I would say that this inferior position to these Dehra Dun cadets will be an anomaly when compared with other recruits for imperial services. The candidates drawn by competitive examination held in India for the Indian Civil Service and other Imperial Services are given the same status and position with British candidates who are recruited in England, then why only should these Indian cadets for the army be given an inferior position ? I hope and trust that Government will consider these facts and strive hard to remove these anomalies at the earliest possible opportunity. I am confident that when His Excellency the Commander-in-Chief could go so far as to establish a Dehra Dun Sandhurst for meeting the wishes of the people of India, he would surely but gradually overcome the sentiments of British troops and officers and would gradually bring about the desired end, *viz.*, the equality of status for both cadets from Dehra Dun and from the British Sandhurst for which we are all striving.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, the army has been the career of certain classes throughout the world and especially in India which is the home of caste-bound peoples. Manu, the Great legislator of India, has divided the Indian population into four castes. The Brahmins, or the literary classes, have always liked to be on the civil line of every government from the early dawn of history. The Kshattriyas and especially the Rajputs have always been the swordmen or the military men of India. The Vaishas are the business people and the merchant class. The Shudras have been the servile class. Sir, both the Afghan and Moghul rulers, although Mussalman by religion, extended their patronage to Rajputs and other martial classes of India and they never withheld the high honours of a commander of 10,000 and 20,000 troops from the patrician and martial families of India. As I said the other day on the Bengal Terrorist Bill that the zamindars and especially the gentry of India had been the backbone of the various Governments of India from the early settlement of the Aryans in this country, whether the Government of India was held by the Kshattriyas, the Buddhists, or the Rajput princes or the Afghan and the Moghul Emperors. Everyone of them, in their own turn, extended their patronage to the gentry of India at least in the military department and they kept the status of the gentry on the same level as their own people.

Well, Sir, I have studied the systems prevalent in the armies of the various European powers. The universal army service system prevailed in the pre-war

days in Germany ; conscription which is the invention of France and practised in the French Army, and the voluntary system of England and the militia of the Swiss Army. Sir, there is an " Extract of the Proceedings of the Interview and Record Board attached to the Summary of the important matters connected with the Defence of India " and on the strength of those opinions I submit that His Excellency Field-Marshal Sir Philip Chetwode will be well advised if he condescended to make a special concession for the gentry of India, say five or ten, whichever number he chooses, to give to the scions of the nobility the privilege to compete at Sandhurst for their examination to join the army every year.

Sir, it is the lookout of the parents to spend the necessary amount according to their status on the education of their sons. When the civil and judicial administration is still in the hands of the Secretary of State, and India is not a self-governing dominion, and at the same time when Oxford, Cambridge and other Universities of the United Kingdom are not closed to Indians, I do not see any reason why Sandhurst and Woolwich should be closed to the gentry who have got very large properties and who have loyally served the Government of this country from time immemorial, and whose properties and stake in the country are the best security for their future loyalty. This class want to get their sons an English education, English manners and customs which can best be learned at Sandhurst and Woolwich. Sir, as a representative of the old land-owning aristocracy and having the authority of the gentry of the North-West Frontier Province, the Punjab, and Northern India, I can say that the gentry of Upper India will be quite satisfied if His Excellency the Commander-in-Chief will permit the young men of approved type and status of nobility to compete at Sandhurst and Woolwich in whatever number His Excellency the Commander-in-Chief is willing to accept them every year. As these boys have large properties and incomes at their back they will not stay long in the army as has been the case of the nine commissions that were given to us from the Imperial Cadet Corps before the outbreak of the Great War. Everyone of them retired after a service of 18 years or even less than this period because their object was not to make the army a career but they had entered it simply to learn English manners and customs. The same is the case today with the gentry of England too. They join and serve in the various guard and cavalry regiments for a certain time and then retire into private life as the heads or partners of their own concerns. Well, Sir, if England with all the democratic elements round it has a special course for her gentry and well-to-do gentlemen, I fail to understand why the same should be refused to us here in India, of which we have been the recipients from the dawn of history. If Lord Curzon as a Viceroy of this country could see the necessity of the gentry in 1901-02, I fail to understand why His Excellency Lord Willingdon, the Viceroy and Governor General of India and His Excellency Field-Marshal Sir Philip Chetwode, the Commander-in-Chief in India should not extend their patronage to a class which was recognised as fit for the King's commission in 1902 and which has, during the war, rendered very meritorious services and has been loyal to the Government from the days of the East India Company. The gentry of India is unanimous in upholding the views of His Excellency the Commander-in-Chief, but they do want the same concession from him which they received from Lord Curzon in 1901 02.

[Major Nawab Sir Mahomed Akbar Khan.]

With these remarks, Sir, I whole-heartedly support the Bill and hope that His Excellency the Commander-in-Chief will kindly look into the request that I am making on behalf of the gentry of India. Being a military man, Sir, I always like to support my superiors, but the privileges of my own class are much nearer to my heart than even a very heavy loss to me or to my family. As I have been fully instructed by the gentry of all Northern India, I cannot refrain from expressing the views of this class, and I want the Government to show some special concessions to them in the army at least. If the Government want this Bill to be successful, I respectfully submit that the demands of this class should not be overlooked and neglected. The idea that the gentry of India is sleeping is totally wrong, and I do hope that the Government of India through the intercession of our Field-Marshal would consider their case favourably. Personally, I would have never raised this point but being strictly compelled to express the views of this class I have no other course but to lay it before His Excellency the Commander-in-Chief for the favourable consideration of the Government of India. As a military man I do not want to discuss the differences between the Army Act and the Indian Army Act. I will abide by the decision of His Excellency the Commander-in-Chief with a hope that every endeavour will be made to bring the Indian Army Act into line with the Army Act as far as possible.

As regards the Viceroy's commissioned Indian officers I should say that they have been in the past a tower of strength to the Indian Army and they should be permitted to retire according to their own contract of service and great care and patience should be taken in discharging them according to their term of service. In discharging these loyal officers of the army, no haste, hurry or impatience should be shown because hastily getting rid of them will create discontentment and it will not make the present scheme successful but on the other hand it will retard it. These officers put up with the horrors of the Great War and as such they have served both the country and the Government very loyally. Their compulsory retirement will be considered in India not in good faith but the motive of utilising their services at the time of the Great War and then disbanding them on the termination of that successful war, will be taken as a move for utilising persons at the time of emergency, and then turning them out when that emergency ceased to exist. This method of the Government will not bring in sufficient recruitment for the future still greater war which is looming on the horizon. Well, Sir, as an honest and loyal subject of His Majesty and according to my Oath in this Council I have honestly expressed myself with no sugar distribution but have stated the plain facts for the advice of the Government of India.

As regards the Royal Indian Marine I cannot express my opinion until I have the full prospects, pay, wages, leave allowance, leave passage and the necessary concession to the officers and warrant officers of the Royal Indian Marine put before us.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): That portion of the speech might be read when the next Bill comes on!

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: That question is relevant to this Bill, because you are putting the Royal Indian Marine too under this Act. It has got everything to do with the Bill.

THE HONOURABLE THE PRESIDENT: Order, order. I understand that you have very nearly finished your speech.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: I have finished my speech, Sir. I do not want to say anything more than what I have stated already.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, His Excellency's speech this morning was very moderate and full of sentiments which we all appreciate on this side of the House. As I have understood his speech, it seems that he has got every sympathy with the views we have been and are expressing here, but he has been dictated to by the War Office and he cannot go against them. If it is a fact, I would appeal to His Excellency to accept our amendments which will come up afterwards and they will strengthen His Excellency's hands in fighting for India's cause against the War Office. He has tried his best to remove the one underlying idea of inferiority complex. It is not on this occasion alone that he has done so. I am reminded of his speech which he delivered on the 10th of December, 1932, in the Military Academy at Dehra Dun when he said:

> "An army can have no politics. It is the paid servant of the people and is at the disposal of the Government of the day, whatever may be the political complexion of the day".

Those words are full of sentiment as the speech of His Excellency this morning, but with all that we have to fight against the dictation of the War Office; and we have to give expression to our views.

The Bill before us is not free from undercurrents of inferiority complex. I would regard this Bill as a cobra. It looks very glossy and charming, but it requires the skill of my Honourable friend Sir Nasarvanji Choksy to dissect it and find out that it is full of poison. The very first sentence in the statement of objects and reasons says that the Bill is meant to help Indianization. The sentence runs as follows:

> "The main purpose of this Bill is to amend the Indian Army Act, 1911, in order to provide for the changes in the constitution of the Indian Army rendered necessary the progressive Indianization of the Defence Forces of India".

One cannot but conclude from this that the Bill is meant to help the speeding up of Indianization of the army, but it contains two main principles; and they are that it is based on differential treatment between Indians and Europeans. Sir, it has got another principle to which we object, namely, that the Viceroy's commissioned officers will be replaced by a new type of officers whom we do not know. Sir, I have got many reasons to oppose the Bill on account of these two principles and I shall narrate them one by one.

Firstly, I am of opinion that instead of speeding up the pace of Indianization, as is said in the statement of objects and reasons, the Bill will retard progress. I have arrived at this conclusion because under the existing scheme there are 16 King's commissioned officers and 16 Viceroy's officers in every

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

regiment. The Bill seeks to eliminate 16 Viceroy's commissioned officers. The result will be that it will take double the time for Indianization, because instead of Indianizing those 16 officers in every regiment, we shall have to Indianize 32 officers. Therefore this will retard the progress of Indianization and take double the time. This is my first objection.

The second objection to the Bill is that this Bill will make the army more expensive. The Viceroy's commissioned officers in every regiment draw a salary from Rs. 80 to Rs. 250, while these new officers will start on a salary of Rs. 300 and upwards. Thus the expenses of the army will be increased and the additional cost will tend to make Indianization unpopular.

My third objection to this Bill is that Viceroy's commissioned officers now serve as links between the rank and file and the King's commissioned officers and help the new and untried holders of the King's commission with their experience. What will be the result under this Bill? The result will be that while the help of experienced Viceroy's commissioned officers will be available to British officers in non-Indianized regiments, it will not be available to their Indian compatriots in the Indianized regiments. So, Sir, those regiments which will be Indianized will be worsened under this great handicap and therefore, Sir, I object to this Bill.

Now, Sir, my fourth reason for objecting to this Bill is that at present the Viceroy's commission serves as a powerful attraction to all those young men who, though unable to aspire to the superior commission for lack of sufficient educational qualifications yet they come from families with splendid martial traditions. They will have no attraction for joining the army. We want that our best men who have got military aptitude should come forward and join the army. Sir, it was for this reason that the House will remember I moved a Resolution in the last Simla session for giving greater facilities to the University Training Corps. My object was that the young educated men of the Universities should be attracted to join our armies and for them, Sir, this was a great temptation which this Bill seeks to remove and therefore, Sir, I object for this reason also.

Sir, my fifth objection to the Bill is this, that it will result in the segregation of Indians. This will deprive them of all those advantages due to close co-operation and association in the same unit. This Bill draws a clear line between the Indian Army and the British Army and therefore, Sir, these men will not have the same opportunities which other officers have at present.

Sir, my sixth objection to this Bill is that there is no justification for a difference in the salaries of British and Indian officers. I find that there is a difference in salary, in leave and other allowances; these have been narrated this morning by His Excellency the Commander-in-Chief. The Indian and British officers in the civil services draw the same pay, except for the overseas allowance. But, Sir, here I find that there is going to be a difference in salary by which the Indian officers will always think that they are inferior to their British colleagues.

Sir, my seventh objection to this Bill is that the type of commission which is devised for Indians is different from the King's commission. This means

a differentiation in status between the Indian and European. No such difference exists between the Indian and European members of the Indian Civil Service. Why introduce this galling distinction in the army? Sir, this will also retard the progress of speedy Indianization and young men will think twice before coming forward to join the army as officers.

Sir, my last objection is that the scheme put forward by the Government involves the exclusion of Indians from the command of mixed formations. This cannot be viewed except as a great slur on the Indian sense of self-respect and dignity. Numerous Europeans serve under Indian ministers. European members of the Indian Civil Service serve under Indian Civil Service men and provincial service men holding listed posts. The question is, why should there be any reluctance on the part of Britishers to take orders from Indians in the army? Sir, His Excellency the Commander-in-Chief was pleased to express that he does not feel any sense of inferiority while working under the leadership of my Honourable friend Sir Fazl-i-Husain. We want, Sir, that the same spirit should be observed by every officer in the army that has been expressed by His Excellency. But, Sir, unless the amendment that has been tabled is accepted, we cannot feel sure that it will be done. We know, Sir, how many times assurances have been given in this House and how have they been treated? And in matters like this where the ordinary policy of the Government of India is dictated from the War Office, we want an assurance from the War Office or the British Parliament and unless the assurance comes from there, we do not think that it will have a binding effect. Either the clause that is just going to be removed should be incorporated in the Bill or an assurance should come from the War Office which dictates the British policy of the Government.

Sir, in conclusion I would say that no Indian who has the least bit of self-respect in his composition can be a party to the enactment of this law which brands his countrymen as an inferior class of the British commonwealth's citizens. Racial discrimination is a hateful principle and it should not be incorporated in any Act. May I remind the Government that it is not a sound policy to place too great a strain on the loyalty and affection of one's friends?

Now, Sir, I will join with the appeal made by my Honourable friend, Mr. Sapru, to the official and to the nominated non-official Members of this House that in a matter like this they should side with the country to remove this blot and not vote with the Government and I hope they will accept the request that has been made from these benches.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, after the very lucid and masterly way in which my Honourable friend Mr. Sapru has dealt with the Bill under discussion this morning, there is very little for me to do except to express my great satisfaction at being saved much labour. Sir, my Honourable friend Mr. Mehrotra has characterized the Bill and compared it to a cobra, but may I assure my friend that much of its poison and venom has been taken away by the discussion in the other House?

This Bill deals with a subject on which depends the future Indian autonomy. We are told every now and then that unless Indians are trained

[Mr. Jagadish Chandra Banerjee.]

in national defence they can not expect to get autonomy in the civil administration. A few years ago Indian politicians understood the implication and agitated both in the press and on the platform for throwing open the King's commission to Indians. Government, though slow in its forward movement yet, after all, accepted the Indian demand and fixed a definite quota of Indian students to be selected for admission to the military Sandhurst in the United Kingdom. With the increased demand of India for provincial autonomy and central responsibility, the demand for increased opportunities for the training of more Indians for national defence was ever increasing. Later on, finding that the opportunities given to India for training in the military Sandhurst in England was very small in comparison with the magnitude of the task of Indianizing the army, we in India made a definite demand for the starting of a military Sandhurst within the boundaries of British India. After a number of committees and commissions had gone into that question the present bureaucracy had to yield and established a Military College at Dehra Dun. Sir, the College has been functioning for the last three years and the first batch of Indian cadets are expected to finish their training in a few months. All these years the whole of India thought that these cadets who are being given training, which is in no way inferior to the training given in the British Sandhurst, would be given the same opportunities of commanding all the units of the Indian Army, irrespective of colour, as are enjoyed by British commissioned officers at present. All of a sudden, the Government of India comes with a proposal that Indians cannot be given command over British units. It means that all Indians entering the army irrespective of education, status or position, must be relegated to a position of inferiority in the Indian Army. Sir, these cadets from Dehra Dun have given ample proof of their merit as will appear from the following extract of the opinion of the Commandant of the Institution at Dehra Dun. It reads as follows :

"It is possible for me to state with confidence that the Academy has already laid the foundations of traditions not unworthy of the great military institutions of England where Indian cadets have hitherto been trained".

Sir, this is the opinion not of an Indian, but of a British army officer, who must be as much biased against Indians getting the same right of command over British units as His Excellency the Commander-in-Chief or the army staff officers in India who are responsible for drafting and piloting the present measure in this House and the other. In this connection I cannot help saying that the Government is probably very nervous over the proposal of my Honourable friend Mr. Sapru regarding the continuance of the Viceroy's commissioned officers. The Government in their shrewdness, before bringing up this Bill, abolished the Viceroy's commissioned officers. It is as clear as the light of day that the Government of India was hatching the plan all these years, namely, to substitute Viceroy's commissioned officers by cadets from Dehra Dun. They wanted to hoodwink the whole of India by removing the existing titles of subedars and jemadars, and substituting in their place the titles of second lieutenants and captains, but in reality they desired to replace the Viceroy's commissioned officers by these cadets. The Government's sole intention is to get the same kind of work as they do out of subedars and jemadars from the Dehra Dun cadets with different titles. Sir, the abolition of the Viceroy's commissioned officers were demanded because such officers being of lower rank and status could not be given the right of command over British units. Now, if the same disability is put on the Dehra Dun cadets then I ask the Government wherein lies the difference between the Viceroy's commissioned officers and the Dehra Dun cadets ? If the Government think that they would be able to satisfy the whole of India only by giving the empty titles of lieutenants and captains and higher pay to the Dehra Dun cadets, then I must ask the bureaucracy to look back 50 years hence. Sir, Indians of 50 years ago might have thought it a Godsend if they had been offered these crumbs from the British table. I must frankly tell the Government that what India wants today is not those English titles or higher pay, but she demands equality of status with the whites either of Britain or of any other European country. Sir, today I may tell the Government that Indian cadets of Dehra Dun would even be satisfied with lower pay or with even the titles of jemadars and subedars provided Government give them the right of command over white tommies. If Government think that the present proposals and promises of Government, namely, to confer the rights of command over British units on individual cadets, according to circumstances, would satisfy India, then I would only tell them that their being deaf and blind to real public feeling in India would not make the whole world blind and deaf as well. So long as these Dehra Dun cadets are not given this right of command over British units as one of their birthrights, no Indian with a grain of self-respect can support this measure. To my mind it would be better if Government closes the Dehra Dun College and leaves the question of army appointments where it is to day before the Bill is passed into law.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, as I have understood from the speech of His Excellency the Commander-in-Chief, this Bill has been brought forward primarily to make legal provision for officers coming out of the Indian Military Academy at Dehra Dun who in terms of clause 5 of the Bill will be called Indian commissioned officers. Now, non-official Members of this Legislature should in my opinion examine a measure of this kind from two standpoints. Firstly, how far it helps to concede the Indian demand for a rapid Indianization of the army in India, and secondly, what status and position it assigns to the newly created Indian commissioned officers.

Now, Sir, judging it from the first criterion I feel that in consequence of the proposals contained in the Bill the pace of Indianization will be retarded. It seems to me that under the present scheme of things there are 16 King's commissioned officers and 16 Viceroy's commissioned officers in every regiment. The proposals under contemplation seek to eliminate the Viceroy's commissioned officers entirely and to replace both sets of officers by the officers of the new type. If the Viceroy's commissioned officers had been retained only 16 officers holding the King's commission would have been required to completely Indianize one regiment. The elimination of the Viceroy's commissioned officers will necessitate the drafting of 32 officers of the superior type into every regiment thus doubling the time of the complete Indianization of a unit.

[Rai Bahadur Lala Jagdish Prasad.]

Now let us see what was the promise held out to India about the pace of Indianization. The Government promised 60 officers a year. Now, the army authorities, I understand, say that there will be only 23 officers during the first term and, say, perhaps, 23 more in the next term. Now, how many years will it take to get sufficient officers for a complete division? I think it was once said by the army authorities that it would take about 20 years for a complete division to be Indianized. Now, we have got six divisions and—if there be no wastage—at the rate of 60 men it will take 120 years for the six divisions to be Indianized. Is that a proposition which we can contemplate with any amount of satisfaction? And this only refers to the Indian army; leave alone the Air Force which is a most important wing of any army nowadays. Thus it would seem that this Bill will not help the pace of Indianization of the army but on the other hand would retard it.

Now let us examine the Bill from the second standpoint, *viz.*, what will be the status and position of the Indian commissioned officers which the Bill creates? So far as I understand, the position is this. His Majesty's Indian Forces consist of the Indian Army and the British Service, and both combined are called the Army in India. Now so far as I have understood the Government's position it is that in the matter of the Indian Army complete reciprocity be established so that British officers serving in the Indian Army (not the Army in India) be governed by the Indian Army Act which would automatically give a senior Indian officer command over a British officer in the Indian Army. The chief difference between the two types of officers in the Indian Army would be that whereas the British officer would have the right of appeal to the King, an Indian officer, following the Dominion custom, would have the right of appeal to the Governor General. As for mixed formations consisting both of the Indian Army and the British Service in India, Indian commissioned officers would not automatically assume command but the Commander-in-Chief or commander, as the case may be, would, whenever such an occasion arose, give the right to an officer of Indian commission to hold command over a mixed formation. It is contended that in practice there would be no hitch in giving such command to an Indian commissioned officer, but the Government seem to claim that the King's prerogative in framing Regulations on the subject cannot be interfered with. Now, Sir, let us see under what circumstances the Indian Military Academy at Dehra Dun was established for whose cadets the Indian commission is being proposed under this Bill. The question of the defence of India was, I understand, mooted at the Round Table Conference and there the conclusion was arrived at that if India was ever to become self-reliant in matters of defence, then it was absolutely essential that a military college should be established in the country and that there should be no need for young Indians to go to Sandhurst or Woolwich for military training. The assumption throughout was that the Indian cadets or officers who will be recruited through the Military College in India should have exactly the same opportunities for leading the army in due course, when they are found fit for it, as any other officers; otherwise there was no object in asking the Government to establish a military college here, which does, after all, mean considerable expense.

So, ever since the Indian Military Academy at Dehra Dun was established as a result of the recommendations of the Round Table Conference the assumption throughout has naturally been that the Military College in India would be a replica of Sandhurst and Woolwich and that officers coming out of the Dehra Dun Academy would have the same status and prospects as their British compatriots coming out of the Sandhurst College, so much so that the Dehra Dun College is popularly known as the Indian Sandhurst. But this Bill fails to a great extent to fulfil the expectations which the country has entertained. And it will be a great disappointment to the Indian public if the graduates of the Dehra Dun Academy are accorded a status inferior in any way to that of the graduates of the British Military Colleges. The belief that has come to prevail in the country is that the position of Indian commissioned officers as envisaged by the Bill will be something intermediate between the Viceroy's commissioned officers and the British officers and more or less analogous to that of the officers of the Provincial Civil Service in the civil administration, their chances of attaining a higher command will be like the prospect of a provincial officer obtaining a district charge, or rather will be confined to occasions.

Now the question is what reason is there for drawing this distinction between an Indian commissioned officer, who is found equally fit and a British officer, as not to give him exactly the same chances as to the British officer? That Indian commissioned officers are under the Bill not being given a status of equality with British officers is I think admitted on all hands. Why such a distinction should be made between the two classes of officers is not understandable, unless it be true that there is reported to be a feeling in imperialist circles that British prestige will suffer if British officers and British soldiers have to serve under Indian officers. But if European members of the Indian Civil Service and other European functionaries can serve under Indians in the civil administration, why should there be any objection to British army officers and soldiers working under Indian army officers? At any rate, the Government should not expect Indian public opinion to give its consent to such an objectionable arrangement which places Indians in a position of inferiority.

So, Sir, judging from the two criterions, *viz.*, firstly, how far it helps Indianization of the army, and secondly, how far it gives equal status and opportunities to the Indian commissioned officers, it has unfortunately to be admitted that the Bill falls far short of the expectations of Indian public opinion.

The only thing which the Bill concedes is that the Indian Legislature will in future have control over officers in the Indian Army, both British and Indian who, I understand, are at present governed by the British Army Act.

All points considered I do not feel that I should be a party to the enactment of this measure unless the Government concede the Indian non-official demand and give to the newly-created Indian commissioned officers under the Bill the same status and opportunities for promotion and power of command, rank and precedence as that of the British officers in the Indian Army in all units and formations.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, these are times for plain speaking and the Indian point of view has been very ably

[Mr. P. C. D. Chari.]

put forward in the other place by Sir Abdul Rahim, while the debate here has been very ably initiated by my Honourable friend Mr. Sapru. He has put forward the real feelings of Indians on this matter and I endorse every word of what he has said.

Sir, we are told that by this Bill the Indian Army will be governed by an Indian statute. That is in the fitness of things. But what is the Indian Army? When His Excellency said the Indian Army would be governed by this Indian statute he meant only the Indian element in the Indian Army. In every country you expect the army of that country to be controlled by an Act made by that country. But the real position of the Indian Army is patent. The Army in India is not an Indian Army; it is the British army of occupation maintained at the cost of India in the interests of Great Britain, to serve as a watch dog of the British Empire, and it has been so used on all occasions. It is maintained not only for the purposes of India but for the purposes of the British Empire. It is this that creates the hitch and it is on account of this the Government is obliged to bring in measures which perpetuate racial discrimination and which create the inferiority complex in Indian minds, about which His Excellency the Commander-in-Chief complained. I do admit that owing to the distrust and suspicion created in the minds of Indians on account of the various acts of the bureaucracy, this inferiority complex has been deepened. But I am glad to say that during recent years this inferiority complex has been greatly removed by the working of the national organization, still I have to admit it is there. I belong to a class of people who try to reason out and critically study a Bill before opposing it or before trying to vote for throwing it out. What do I find here? The Bill as it stands does not encourage any person with nationalistic views to accord support to this measure and we are now for the first time creating a class of persons, Indian officers, who are given a new designation. We have the British army officer and the Viceroy's commissioned officer and this Bill creates a third set of officers who hold a position intermediate between the two. That is the Indian commissioned officer. There is no use denying the fact that these Indian commissioned officers will not have all the rights and privileges which the British officer has under the British Act. We are told that under section 71 of the Army Act King's Regulations will be framed to regulate the status of the Indian commissioned officers and it will also give them opportunities of holding commands in mixed formations or having commands over British personnel. We are glad that the Army Secretary in the other place and His Excellency the Commander-in-Chief here have given out the real situation. I have carefully followed the speech of the Army Secretary in the other place and I have very carefully noted the assurance given by the Army Secretary in the other place. What does that assurance amount to? It does not meet the Indian view point at all. A definite assurance was asked that in framing the King's Regulations, they will be so framed as to ensure automatically to the Indian commissioned officer the same privileges and the same status and the same opportunities for command which are enjoyed by other British officers. The Army Secretary in the other place said that he was not the Commander-in-Chief and he could not give that assurance. Fortunately for us we have got His Excellency the Commander-in-

1 P.M.

Chief here and I hope it will be possible for him, though I have got very grave doubts whether it will be possible for him too—to give an assurance that the King's Regulations will be so framed as to remove all possibilities of doubt that the Indian commissioned officer will not suffer in status, in the matter of promotion and in having automatic opportunities of command. If this feeling in the Indian mind is to be really taken into consideration Government should see that before bringing in this Bill that the Regulations are framed in such a way as the Indian commissioned officers will have the same status, privileges and opportunities of command as the British officers. The strength of feeling may not be appreciated by people who have been accustomed to western ways of thinking. The Easterner—it may be his misfortune—places greater importance to sentimental considerations, to questions of self-respect and to other non-material things than to material advantages. As one of my Honourable friends has said, even if the pay is less, if the Indian commissioned officer is assured that he will not suffer in the matter of getting automatic promotions and automatic commands in a mixed army, in a mixed formation, Indian youths will readily come forward for places in the Indian Army. I may assure His Excellency that owing to this insistence upon Indian self-respect being respected by the Westerner that there is so much opposition to the Bill. The other House had been willingly passing and placing on the Statute-book a number of Acts, but as His Excellency pointed out, this Bill was passed by a narrow majority in the other place. What does it show? The other House consists of people who cannot be accused of trying to throw out Bills. They have taken note of the strength or feeling in the country and they have found it necessary to voice public opinion and the result was that they allowed the Bill to be passed only with a narrow majority. I am referring to this aspect of the strength of feeling on this matter in the whole of India. Somehow the whole intelligentia with one voice protests against this Bill; the intelligentia of India wants that when there is an opportunity of insisting upon Indian self-respect every Indian in the Central Legislature should voice the feeling that we care for self-respect which is more precious to us than our life itself. His Excellency the Commander-in-Chief has told us that the question of command of an Indian officer over British personnel may not arise at all for a fairly long time, and I find, from the question of Indians getting command over British personnel or other British officers, that it is not likely to occur during the next 20 years; but these time tables are no sure guide. Anytime a war may break out and there may be occasions for Indians being placed in command over British officers. Such being the case, the Indian insists that theoretically at least the Indian commissioned officer should be placed in the same position as the British officer; and here and now when you make a new enactment which gives statutory recognition to the Indian commissioned officer, this principle should be embodied in the Bill itself in black and white that the Indian officer will not suffer and will have automatic command when he satisfies other conditions along with his British officers. That being the case, I cannot be a party to this Bill being made into an Act, and if this Bill becomes an Act, let it not be said that Indians in this House have been a party to this measure. If you will excuse me, Sir, and if His Excellency the Commander-in-Chief will excuse me, I would request the other Honourable Indian Members of this House not to touch this Bill with a pair of tongs, nor even with the end of a long pole.

Sir, I oppose this Bill.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay : Nominated Non-Official) : I have one difficulty, Sir, which I request His Excellency the Commander-in-Chief to solve, namely, whether Indians who have now been trained at Sandhurst enjoy the same rights in regard to status, promotion and command in mixed formations or do they have different rights, and secondly, whether the Indians trained at Sandhurst could sit in a court-martial when a British officer or a British soldier is being tried ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The commissions which were granted to Indian officers in the Indian Army and have been granted up to this moment are called King's commissions and convey full rights in every way.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, for a number of years Indian politicians have asked for Indianization of the army. When proposals were made in Lord Rawlinson's time for the Indianization of eight units, the agitation still persisted and they asked that the pace of Indianization should be made more rapid. Now, Sir, when provision has been made for the training of Indian cadets at Dehra Dun and when they will come out as officers in command of Indian regiments, difficulties have arisen which have led this House to discuss at great length the future position of these Indian commissioned officers as they are to be styled. So far as I can perceive, Sir, most of the Honourable Members have been envisaging a dim and distant future for these officers inasmuch as they are not likely to command their units or rise to higher positions until 25 or 27 years hence. I do not therefore see what necessity there is at this early stage to provide for a remote future contingency ?

Then, Sir, it has been stated that the command of an army corps, the command of a division, the command of a brigade, or the command of a battalion, have all to be foreseen from now. I say, Sir, this is neither the time nor the occasion to consider these matters. These questions should be relegated to the proper time.

Then, Sir, a great deal of opposition has arisen as regards the gradual abolition of the Viceroy's commissioned officers. What was the original reason of their employment ? Was it not the fact that the British officers who commanded these Indian troops had no knowledge of the vernaculars, were ignorant of their habits and prejudices and thus could not get into close contact with them ? It was these liaison officers who acted as intermediaries between the troops and their British officers. Now, when these British officers are to be replaced and the Indian units are to be officered by Indians, there does not seem to be any further necessity for their existence. This change will not take place in five or ten years, but much longer before they entirely cease to exist. In the meanwhile warrant officers are to be appointed in their place. Sir, we have also to consider whether the conditions of army recruitment and of the civil services are analogous as suggested. There are vital differences. The army is an organization which has for its object the defence of India and its internal security and it cannot possibly be compared with the civil services where Indianization has taken place to the extent of 50 per cent. and whose duties are entirely different.

Then, Sir, much has been said about what is called the inferiority complex. Has not the time arrived when such supersensitiveness should be discarded ; when we should rise superior to such considerations ? There is no superiority and no inferiority complex. India is going to have an Indian army, an Indian army of its own, officered by its own nationals. It is the first instalment of *Swaraj*. Indian nationalists and patriots should therefore be proud of this army. Why should they hanker after King's commissions for their own nationalist army ? I do not see what necessity there is, even if there are two armies, that they should have the King's commissions ? The British Army is quite differently organized. It works under a different set of regulations. The Parliament's Army Act controls it. Similarly the Indian Army will be working under an Act of the Indian Legislature.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Are you positive that the Indian Army will be under the Indian Legislature ?

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Well, that is for the future. The Indian Army Act is an Act of the Legislature. As to what will occur in the future it is impossible to foresee. There are vast developments ahead. We do not know what is going to be the future of the constitution and I think we cannot base any deductions upon what we do not know. This Bill is, however, intended to establish a purely Indian army. The British Government is engaged in working out a regulation whereby Indian commissioned officers may be allowed to exercise powers of command over the British personnel of the British Army in the case of mixed formations, as ordered by His Excellency the Commander-in-Chief or the commander for the time being under suitable circumstances. This is a rare privilege which is not allowed to officers of the Dominion army. India has every reason to be proud of this concession that was never contemplated by Indian politicians at any time. The Indian Army Act is not intended to embody provisions governing command, rank and precedence, and no Parliament would consent to any infringement of the inherent right of the Sovereign with regard to those.

With these few words, Sir, I heartily support the Bill.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH : Mr. President, Sir, after what I heard from His Excellency the Commander-in-Chief that the Indians trained at Sandhurst enjoy the same status and privileges as a Britisher, I am convinced that this Bill suffers from an inferiority complex. An Indian is an Indian whether he is trained at Sandhurst or Dehra Dun. It makes no difference at all. Why should an Indian trained at Dehra Dun not automatically be put in command of mixed formations ? He is the same Indian as the Indian who is trained at Sandhurst. Why should he not sit in court-martial when a British soldier or a British officer is being tried ?

The other difficulty that His Excellency the Commander-in-Chief pointed out was that we had only just started this College and we must wait and see. But I would request His Excellency, Sir, to consider that these young men from Dehra Dun are not aspiring to be placed in command of mixed formations before 20 or 25 years. Is that not a sufficient period to test their ability ? In whose hands is the promotion, Sir ? In the hands of His Excellency the Com-

[Sir Ghulam Husain Hidayatallah.]

mander in-Chief. First he enters as a lieutenant. If he is not fit, he should not be promoted as a captain. And then, Sir, the other point is they have to pass certain examinations. If he is an able man who has fulfilled all the conditions, I see no reason why he should not be put in charge of the mixed formations.

Again, Sir, he says in military matters, if you make a small mistake it involves a big risk. But the same Indian who is trained at Sandhurst he is to be in charge of the command in each formation. Why should he be allowed in command, Sir, and not the Indian who is trained at Dehra Dun? An Indian is an Indian whether he is trained in one place or another. If that was the position that the training in Sandhurst is different from the training in Dehra Dun, then I think they must raise the standard at Dehra Dun. That is the remedy. These are the real feelings of my country, Sir. But, I being a nominated Member, cannot play false to Government. I must obey their mandate, Sir. (*Several Honourable Members:* "No, no.")

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I regard this Bill with disfavour. It is doing an injustice not only to Indians but to trained European British officers. The noble band of officers who have been placed in charge of the Militray Academy at Dehra Dun are being penalised, stigmatised, that they cannot prepare students of the same calibre as those trained by Sandhurst. Is it not an injustice to these British officers? They are being condemned without any trial. They have not been given any chance to prove that they are capable of turning out the same quality of men, men of the same calibre, as Sandhurst. That is a very great injustice. Our objection arises from the fact that we feel that in civil employment the stakes are small—one gets a little less pay and occupies a little less position—but in the army the stakes are high. They play with life and death. In the army they are both comrades in arms, ready to shed blood to save our home and hearth, and we do not think that we should be placed in a disadvantageous position, especially in our own home country. An Indian soldier or officer will be fighting for his home and hearth, and that is not the consideration which is guiding the British officer serving in India. We are told that the Indian Army is here to be utilised only for the defence of India, and that it will no longer be required to go at the imperial behest to save other parts of the British Empire, without either the sanction or implied consent of the Government of India. If this be the rule, is it fair that our own people should be regarded as mercenaries, who have no interest, who are paid to do their work and who must take orders and be done with it. The Honourable the Leader of the House was vehement against segregation—against the inferiority complex—when I moved my Resolution on the 9th instant. He said he did not wish to be a party to segregation. He does not wish that there should be any inferiority complex. How is it that he is a party to this? As my Honourable friend Sir Ghulam Husain Hidayatallah has very pointedly remarked, an Indian is an Indian whether he is trained in Sandhurst or in Dehra Dun. If the British Government had made out a rule that no black man will rule a white man, or will have command over him, we could have understood the position. Why have they made this discrimination? My complaint against the British Government is that they have

always been halting and indecisive. No one knows better than His Excellency the Commander-in-Chief what would have been the effect, if England had decided once for all sufficiently before August 4th, 1914. It is a moot question. If Germany and the Central Powers had known a week before that England was going to participate in the war, the Great War would not have occurred. England did not warn us sufficiently early that we are going to be placed in this disadvantageous position. Government had before them the Shea Committee Report which contemplated the Indianization of the full Indian Army in 28 years. That, Sir, has been shelved. It did not see the light of day. Only when some reference was made to it in the Round Table Conference, did we know of its existence at all. Even in the Defence Sub-Committee of the Round Table Conference no specific mention was made of differentiation. What will happen if this Bill were not passed? If His Majesty the King Emperor can grant commissions to Indians who pass out of Sandhurst, I cannot conceive of any impediment to His Majesty granting commissions to officers who pass out of Dehra Dun. If we have to pay for regularising the work through the War Office it could be done. We pay crores to the War Office to do our work. Could we not pay for this also? There is a great difference between the Colonies and ourselves. Our soldiers are liable to serve His Majesty in any part of the Dominions, whereas a Dominion soldier is engaged to serve only in the Dominion. He is not under the orders of the British War Office.

Sir, we are very much handicapped by the non-existence of rules and regulations governing these Indian officers. I can very well understand that these cannot be issued unless the law is amended. That is a legitimate defence. We have our own difficulty and we hope that his Excellency the Commander-in-Chief will be sympathetic towards us. Rules and regulations are made and shelved, the Legislature, after passing an Act, is no longer concerned with it. The English practice, to which I have drawn attention many a time is that some of the rules and regulations made under the Acts are laid before both Houses for discussion, and are open for discussion for 15 days. We have been claiming the same privileges. Would it not be fair if the rules and regulations were submitted to the Indian Parliament for discussion? Rules and regulations framed by His Majesty cannot be amended here. But it is the usual practice in Parliament to send a request that such and such modifications may be made.

His Excellency then dwelt on the fact that it is possible to advance on these lines because we do not stand to lose much; but in military matters one must be very cautious. Sir, in Africa, Mesopotamia and Kenya and in the Great War generally, the Viceroy's commissioned officers and non-commissioned officers have proved sufficiently that they are eligible for the highest command and office. Their endurance and capabilities have been examined in every aspect and there is no reason for thinking that we are untried.

Now, Sir, I should like to say a few words about the officers who are going to get Indian commissions. May I point out to His Excellency that there are certain rules and regulations in the army about age restrictions in certain grades? Among those being trained at Dehra Dun there are some who are taken from the ranks, men of a more advanced age than the gentlemen

[Mr. Hossain Imam.]

cadets. They are men of anything between 25 and 30 years of age and they will be at a disadvantage as compared with the average cadet who enters the Academy between 18 and 21 years of age ; and therefore their progress and promotion to higher ranks will be retarded.

The policy of Government in regard to increasing the number of regimental officers under the new scheme has also been subject to criticism, but we will discuss that later during the stage of consideration of resolutions. Here I would simply like to say that we Indians realise that by bringing this Act the Government is putting us in an inferior position. Without this Bill we would be entitled to the same privileges and rights as British commissioned officers, and therefore it will not surprise His Excellency if we all in a body oppose this measure.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, after listening to the debate on this important subject this morning I think there is very little left for me to say. When I was listening to the speech of His Excellency I thought I was carried off my feet. After having heard and read His Excellency's speeches so many times, I am fully convinced that he has a soft corner in his heart for the public demand about Indianization of the army. Whatever arguments His Excellency may advance, I think he is fettered in his discretion by the War Office.

Sir, in this Bill a most important and vital question is involved, and that is racial discrimination. We have been told time after time that the policy of the British Government in India is to make us equal partners in the Empire. But, Sir, things which appear so very good in theory,—when we come to examine them and face facts,—we find that our conclusions are not quite correct. I do not want to go into the details of the Bill, as my Honourable friend Mr. Sapru has exhaustively dealt with that aspect, but I cannot resist the temptation of having a say in this matter because the Bill affects India as a whole. Sir, if I understood him correctly, His Excellency said that Indian commissioned officers would get command over what they call mixed formations in course of time if they are found fit. If that is the position then there ought to be no quarrel between this side of the House and the Treasury benches. Our demand is that if you want to create these Indian commissioned officers without any demand on the part of the public in India, you must secure to them equal powers of command with British officers. His Excellency referred to the greater danger atta hing to a mistake committed on the military side than in the case of a mistake on the civil side. I fully agree with him, but may I bring to his notice, Sir, that even the best military officers, even the highest officers in the British army, are reported to have committed mistakes during the war. Mr. Lloyd George in his reminiscences of the war has fully brought those mistakes to the notice of the public. If, Sir, the Indian commissioned officer who is passing out of Dehra Dun is not fit to hold command, do not give him at any cost the power to command British personnel. If my information is correct, there are many tests and many examinations which an officer has to go through and when an officer is found quite fit then only is he promoted. If that is so, I do not want to press the claims of an inefficient Indian officer, but I do really protest that if really you find the Indian officer quite fit, quite equal in qualifications, then do not deny to him the privileges that the European officers automatically get. His Excellency the Commander-in-Chief requested us to conduct the debate in a sober spirit. I shall try my utmost to do so, though I know that my Honourable friend Mr. Mehrotra characterized the Bill as a cobra. The crux of the situation is this. You have to say it frankly and openly that you can believe Indians and you can give them higher posts in the military as you have done in the civil side. I was very glad to listen this morning to the remark made by His Excellency the Commander-in-Chief that he does not feel any inferiority complex when under the Leadership of our Honourable Leader of the House. If that is so and if so many Indian Civil Service officers also do so, the army also should do so. For instance, my Honourable friend Mr. Stewart works under an Indian officer and I do not find that the Government of India can say in any way that the efficiency of the administration has gone down, because an Indian is in charge of a particular portfolio. If you find that the best men come out of our local Sandhurst, Dehra Dun, you cannot distinguish between Indian officers coming out from Woolwich or Sandhurst and Indian officers coming out from Dehra Dun. If the standard of efficiency is less at Dehra Dun and if you want our support, we on this side of the House are willing to strengthen your hand to increase the standard of training at Dehra Dun, but for God's sake do not make a distinction between this Indian officer and that Indian officer. I quite understand, Sir,—and I am quite at one with His Excellency in the matter,—that we should not bring in this question of inferiority complex and superiority complex. That will have its repercussions on the cadets coming out of Dehra Dun. I examined the question from another point of view. If you allow this heart-burning to go on amongst Indian officials coming from Dehra Dun, I submit you will experience breach of discipline in the army and discipline is a necessary element in military administration. You cannot afford to injure the feelings of Indian military officers when you want them to serve in your army.

I also cannot understand another principle involved in the Bill. If a European officer can give a judgment after hearing facts in a court-martial, when an Indian officer or Indian sepoy is the culprit I fail to understand why an Indian officer, if he is to preside at a court martial, should not be able to give a judgment equal to that. We on the civil side have got so many High Court judges, whose efficiency none , either in India or in the United Kingdom, has been able to challenge. Therefore why have you introduced this obnoxious principle of racial discrimination in the Bill ? I, Sir, for my part cannot see my way to support this Bill when this obnoxious principle of racial discrimination is there. His Excellency the Commander-in-Chief referred to the decision of the Lower House. I say it was by a snatch vote that the Government succeeded there. But the Government ought to see which way the wind is blowing. Public opinion in India is condemning this Bill throughout from its very inception. Public opinion in India did not ask you to bring forward this measure. If you want to proceed with this Bill, Sir, I humbly request you to take away this principle of racial discrimination and we shall be with you to support this measure. From the debate that His Excellency has heard on this Bill here this morning and from expressions of views of my Honourable friends, like Sir Ghulam Husain Hidayatallah, His Excellency should come to

[Mr. Vinayak Vithal Kalikar.]

the conclusion that public opinion is against a Bill of the present type. I do not know whether Government or the Honourable Leader of the House has left him free to vote this way or that. From the expression of views that he has made I conclude that he fully agrees with us in regard to this Bill.

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH: I should be true to my constituency as you are.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: It seems from the views he has expressed this morning that he and I belong to the same constituency, namely, India, except that he has been commanded by Government of India for that side.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: He represents the Bombay Presidency.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: That would show at least to the Government that public opinion is against this Bill and I therefore request His Excellency either to accept amendments proposed by us or not to proceed with the Bill.

THE HONOURABLE THE PRESIDENT: I propose to adjourn the debate at this stage and I will call upon the Leader of the House if he has any statement to make.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, tomorrow the 5th September, we meet for the transaction of non-official business and I propose therefore that the Council meet at 10-30 A.M. on Thursday, the 6th September, when the business not finished today will be taken up.

The Council then adjourned till Eleven of the Clock on Wednesday, the 5th September, 1934.

COUNCIL OF STATE.

Wednesday, 5th September, 1934.

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 DEPUTY DIRECTOR GENERAL, FINANCE, IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

214. THE HONOURABLE MAHARAJA JAGADISH NATH RAY OF DINAJPUR: (*a*) Will Government please state whether a new appointment of Deputy Director General, Finance, has been created in the Office of the Director General, Posts and Telegraphs ?

(*b*) Is it a fact that this officer is mainly employed to help the Financial Adviser, Posts and Telegraphs ?

(*c*) Is it a fact that in previous years an officer of inferior rank and of less pay was appointed temporarily to help the Financial Adviser, Posts and Telegraphs, during the budget season only ?

(*d*) Will Government state the reasons for the necessity of creating a post of so high a rank and pay ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) Yes.

(*b*) No. The Deputy Director General, Finance, is the controlling officer of the Budget and Finance Section of the Director General's Office. He is also required to give financial advice on all matters of ordinary importance and every-day administration of the Posts and Telegraphs Department and help in the detailed examination from the financial standpoint of the more important questions and so relieve the Financial Adviser.

(*c*) The facts are that in 1930 a Deputy Financial Adviser was appointed as a temporary measure to help with the budget work, and in 1932 an Assistant Financial Adviser was appointed for a similar purpose. The pay of both these officers was less than that of the Deputy Director General, Finance. The status of the Deputy Financial Adviser was equal to that of the Deputy Director General, Finance, and that of the Assistant Financial Adviser was lower.

(*d*) The necessity for the post was explained to the Standing Finance Committee who approved of the proposal at their meeting of 25th November, 1933. Experience had shown that the amount and nature of work devolving on the Financial Adviser was more than could properly be attended to by one officer and that he required the help of an additional officer of the status of the Deputy Director General, Finance.

FINANCIAL ADVISER, POSTS AND TELEGRAPHS, AND DEPUTY DIRECTOR GENERAL, FINANCE, IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

215. THE HONOURABLE MAHARAJA JAGADISH NATH RAY OF DINAJPUR: (*a*) Is it a fact that both the Financial Adviser, Posts and Telegraphs, and Deputy Director General, Finance, in the Office of the Director General, Posts and Telegraphs, are officers of the Finance Department ?

(*b*) Is it also a fact that the accounts and audit of the Department are carried on by a senior Accountant General who has under him no less than five deputies and a large number of trained accountants and accounts clerks ?

(*c*) Is it a fact that it is under consideration to import into the office of the Director General, Posts and Telegraphs, which is an administrative office, clerks and accountants from the Posts and Telegraphs Accounts Offices ?

(*d*) If the reply to (*c*) be in the affirmative, will Government please state their number and the reasons for the necessity of this action ?

(*e*) Will Government please state whether the work for which these men are imported into the Office of the Director General, Posts and Telegraphs, was for so long done in the Posts and Telegraphs Audit Offices ? What are the reasons for transferring the work to the Office of the Director General, Posts and Telegraphs ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*) Yes.

(*b*) Yes, except that the number of deputies is four.

(*c*) and (*d*). A proposal to bring into the Office of the Director General, Posts and Telegraphs, two passed accountants, but no clerk, from the Posts and Telegraphs Accounts Offices for a temporary period is under consideration. These passed accountants are being brought into the Director General's Office to deal with and to put on a satisfactory basis the Engineering and Stores accounts work in the Budget Section and the work in the Statistics Section which experience has shown cannot be performed satisfactorily by ordinary clerks having no experience of this kind of work.

(*e*) The reply to the first part of the question is in the negative; the second part does not arise.

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

216. THE HONOURABLE MAHARAJA JAGADISH NATH RAY OF DINAJPUR: (*a*) Is it a fact that the recruitment of clerks and assistants in the Office of the Director General, Posts and Telegraphs, is made from men who have passed the examination of the Public Service Commission ?

(*b*) Is it also a fact that in the Office of the Director General, Posts and Telegraphs, there is no sanctioned appointment of accountants and accounts clerks ?

(*c*) Is there any proposal under consideration for creating temporary appointments in the Office of the Director General, Posts and Telegraphs, to provide for accountants and accounts clerks ?

(*d*) Has the approval of the Public Service Commission been obtained for the appointment of accountants and accounts clerks in the Office of the Director General, Posts and Telegraphs ?

(*e*) Has the Director General, Posts and Telegraphs, powers to create any temporary appointment in his office ? If not, has the approval of the competent authority (Secretary, Industries and Labour Department) been obtained for the creation of temporary posts in that office during the current year ?

THE HONOURABLE MR. D. G. MITCHELL: (*a*), (*b*) and (*c*). The replies are in the affirmative.

(*d*) No. This is not necessary.

(*e*) The reply to the first part of the question is in the negative, except in the case of the menial establishment. As regards the second part attention is drawn to the reply to part (*c*) of the question. The proposals which are now under examination will be submitted for the orders of the Governor General in Council in due course.

ASSISTANTS IN THE RAILWAY BOARD.

217. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that certain Assistants in the Railway Board were to be recruited from outside, but subsequently it was decided to promote the existing men from the third grade ? Will Government state the reason for this change of procedure ? Is it a fact that thereby Muslims have been deprived of their claim to appointment ?

(*b*) Is it a fact that a new appointment has been made by the Officer on Special Duty, Railway Board, this month ? Is it a fact that an unqualified person has been appointed although there were many Public Service Commission passed candidates on the waiting list ? Will Government state the qualifications of the appointed person ?

(*c*) Is it a fact that there are a number of men practising typewriting in the office of the Railway Board ? How many of them are Muslims ? Are the men working given preference to outsiders at the time of filling appointments ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (*a*) The Honourable Member has not got the facts quite correctly. Five Assistants' posts in the Railway Board office retrenched in 1932 are to be revived. To fill them the Railway Board have had under consideration the promotion of suitable men in their own office, or the importation of suitable men recommended by State Railways. The matter is not yet settled but, in all probability, four posts will be filled by promotion in the office and one by an employee recommended by the Agent of a State Railway. The posts in question are selection posts, to be filled either by promotion in the office or from State Railways.

(*b*) An Officer on Special Duty has recently been appointed, and to obtain the services of a clerk for him, a number of persons on the Public Services Commission qualified list have been addressed regarding the vacancy and the most suitable of them will be appointed to the post. In the meantime, purely as a temporary measure, and pending the arrival of a qualified person on the Public

Service Commission list, a clerk with knowledge of typing was employed. This clerk has since been discharged.

(*c*) So far as the Board know there are no persons practising typewriting in their office and such a practice has not been authorised.

IMPORT AND EXPORT FIGURES OF KATHIAWAR PORTS.

218. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Are the import and export figures of the Kathiawar ports included in the Budget, Customs and Currency Department papers?

(*b*) What is the net loss of the British Indian Customs Department due to free entry from the Indian States (maritime and Kashmir)? Will Government state the names of such maritime States and the figures of free imports from each of the States including Kashmir during the last three years?

THE HONOURABLE SIR ALAN PARSONS: (*a*) If the Honourable Member will let me know exactly to what documents he refers, I will try and give him the information.

(*b*) No statistics exist from which it would be possible to estimate the net loss of customs duty due to free entry from Indian States. The figures of free imports of dutiable goods from Kathiawar are as follows, in lakhs:

1931-32	77
1932-33	225
1933-34	217

Separate figures for each State are not available, nor are figures of free imports from other than Kathiwar States available.

The maritime States in question are Travancore, Cochin, Cambay, Baroda, Bhavnagar, Jafrabad, Junagadh, Morvi, Nawanagar, Porbunder and Cutch.

THE HONOURABLE MR. HOSSAIN IMAM: May I say, Sir, in regard to (*a*) that I was referring to the Indian Sea-borne Trade.

THE HONOURABLE SIR ALAN PARSONS: In that case, Sir, the answer is in the negative.

CAPITATION PAYMENTS.

219. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government please state whether the capitation payments made during the last two years were final payments or were subject to variation on the actual cost being assessed?

(*b*) Do Government propose to press the War Office to make an actuarial calculation of the actual cost of training soldiers in the year 1933-34? Have Government considered the advisability of associating an Indian for the purpose of such actuarial calculation? If not, why not? What arrangements, if any, do they propose to make for the purpose of checking the War Office figures?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) The attention of the Honourable Member is invited to the last sentence of the reply which I gave on the 27th August, 1934 to part (*b*) of his question No. 153, which was

that payments were assessed on the basis of a provisional flat rate arranged in 1927, pending discussion of details before the Capitation Tribunal.

(*b*) Government have already taken action to expedite the submission of the War Office calculations. The Secretary of State and the Government of India will be given full opportunity of criticising the calculations. If considered necessary these will be referred to the Actuary to the Government of India who is an Indian.

COST OF THE THIRD AFGHAN WAR.

220. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly state:

(*a*) The cost of the Third Afghan War?

(*b*) The cost of the Waziristan occupation from 1919 to 1924?

(*c*) The average cost of operations between 1895 and 1915 on the Frontier under the Close Border policy?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) Separate information is not available. The net cost of operations undertaken on the North-West Frontier in 1919 (including the Third Afghan War) amounted to about Rs. 31 crores.

(*b*) As regards Waziristan separate figures were not compiled for the year 1919. The cost for that year is included in the figure given under (*a*). For the years 1920—1924, the cost was about Rs. 24 crores.

(*c*) The net expenditure on operations on the North-West Frontier from 1895-96 to 1915-16 amounted to Rs. 7·87 crores.

SURPLUS OF OFFICERS IN THE INDIAN ARMY.

221. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that there is a surplus of officers in the Indian Army? If so, how many in each rank? What are the total pay and emoluments of the surplus officers? What action do Government propose to take to bring the number of officers to the required strength? What will be the additional expenditure on pensions and gratuities? What will be the saving in pay?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: There is at present a small surplus of officers in the Indian Army. I assume, however, that the Honourable Member is referring to the fact that unless special steps are taken there will in the near future be a considerable surplus of officers in the ranks of major and lieutenant-colonel. The best way of dealing with this contingency is at present under the consideration of the Government of India and His Majesty's Government and, as it is not known which officers will ultimately be affected, it is impossible to give the figures asked for by the Honourable Member.

NUMBER OF OFFICERS AND PERSONNEL DESPATCHED TO SHANGHAI IN 1927.

222. THE HONOURABLE MR. HOSSAIN IMAM: Will Government please state the number of men, British and Indian, sent to Shanghai in 1927? What was the date of their departures from the British Indian ports? Were the

British Government charged with the cost of transportation within British India and were the pay and emoluments during the period of such transportation charged to the War Office? If so, what were the two amounts? What was the total amount of money received from the War Office? What was the period for which the troops were outside British India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The following numbers of officers and personnel were despatched from India to Shanghai between the 27th January and the 12th February, 1927:

British officers	136
British other ranks	1,916
Indian officers	102
Indian other ranks	3,118
Followers	864

The Imperial Government were charged with the cost of transportation within India and a sum of Rs. 3,90,914 was recovered from them on this account. In accordance with the general agreement for the adjustment of financial transactions between the Imperial and Indian Governments the pay and allowances of the force were charged against Indian revenues up to the date prior to that of embarkation for Shanghai and from the date following that of disembarkation in India. The troops arrived in India on return on various dates between the 8th August and the 26th September, 1927 with the exception of certain small units which arrived on the 30th November, 1927. The total amount recovered from the War Office including cost of transportation was Rs. 72,83,720.

NUMBER OF BRITISH AND INDIAN TROOPS STATIONED IN TRANS AND CIS-INDUS AREAS.

223. THE HONOURABLE MR. HOSSAIN IMAM: What is the number of British and Indian troops stationed in trans and cis-Indus areas?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: 12,563 British and 65,468 Indian troops are stationed trans-Indus, and 51,529 British and 1,21,862 Indian troops cis-Indus.

QUALIFICATIONS FOR APPOINTMENT IN THE WATCH AND WARD ESTABLISHMENT.

224. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government be pleased to state the minimum academical qualifications required of a candidate (other than the ex-police or ex-military) to get an appointment in—

(*i*) The Watch and Ward staff of the Legislative Assembly?

(*ii*) The third division of the Government of India Secretariat?

(*b*) Will Government be pleased to state whether non-matriculates are eligible for appointment in the third division of the Government of India Secretariat? If so, will they please state why they have fixed the Matriculation as the minimum qualification for appearing at the examination of the Public Service Commission for the third division?

THE HONOURABLE MR. M. G. HALLETT: (*a*) (*i*) No fixed academic qualifications are laid down for recruitment to the Watch and Ward staff.

(*ii*) The educational qualifications for the third division examination are the Matriculation, the Junior Cambridge or an equivalent examination.

(*b*) Non-matriculates are not debarred from appointment to the third division in purely officiating or temporary vacancies; but for permanent vacancies, which are filled through the examination held by the Public Service Commission, the matriculation has been prescribed as the minimum qualification in order to ensure that men sufficiently educated for the duties to be performed are obtained.

THE HONOURABLE MR. HOSSAIN IMAM: Will Government consider the advisability of fixing the qualifications for direct recruitment also, that is, recruitment otherwise than through the Public Service Commission?

THE HONOURABLE MR. M. G. HALLETT: I am prepared to consider that suggestion, Sir.

MAXIMUM AGE-LIMIT FOR INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

225. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government be pleased to state the maximum age-limit for the inferior servants of the Government of India Secretariat and its Attached Offices for service under Government?

THE HONOURABLE SIR ALAN PARSONS: There is no maximum age-limit for inferior servants entering these offices, except in the Office of the Director General, Posts and Telegraphs, where the limit is 25 years unless waived by the head of the department.

EDUCATIONAL QUALIFICATIONS FOR APPOINTMENT TO THE FIRST, SECOND AND THIRD DIVISIONS OF THE GOVERNMENT OF INDIA SECRETARIAT.

226. THE HONOURABLE MR. HOSSAIN IMAM: Will Government be pleased to state whether academic qualifications are taken into consideration at the time of filling an appointment in the—

(*i*) First division of the Government of India Secretariat?

(*ii*) Second division of the Government of India Secretariat?

(*iii*) Third division of the Government of India Secretariat?

If not, why not?

THE HONOURABLE MR. M. G. HALLETT: Under the orders contained in the Home Department Office Memorandum No. F. 452/27-Ests., dated the 8th December, 1928, a copy of which is in the Library, most of the departments of the Government of India fill permanent vacancies either by the promotion or confirmation of qualified candidates or by direct recruitment through the Public Service Commission, who hold periodical examinations for this purpose. The minimum educational qualifications prescribed for admission to the first and second division examination is the possession of a degree or a pass in the Senior Cambridge examination and for the third division a pass in the Matriculation, the Junior Cambridge or an equivalent examination. Temporary vacancies in the first division are ordinarily filled by the promotion of permanent second division clerks and those in the second

and third divisions either from the list of candidates considered suitable for temporary employment prepared by the Public Service Commission or by the recruitment of unpassed candidates. The matter is left to the discretion of departments. In regard to candidates who are recruited otherwise than through the Public Service Commission, no minimum educational qualifications have been laid down, but I have no doubt that departments take into account all factors, including academic qualifications, which may be necessary when filling a particular vacancy.

VISIT OF THE TRADE COMMISSIONER FOR THE UNION OF SOUTH AFRICA TO INDIA.

227. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that a representative of the Government of South Africa visited India ?

(*b*) Is t a fact that he is exploring the possibilities of entering into a trade pact between the two Governments ?

(*c*) Did the said representative see any Member of Government ? If so, whom ?

(*d*) Will Government state their attitude towards this question ?

THE HONOURABLE MR. T. A. STEWART: (*a*) Yes.

(*b*) No. The object of the visit was to investigate the possibilities of South African trade in India.

(*c*) If the Honourable Member wishes to know whether there was any official interview with a member of Government, as far as I am aware, the answer is in the negative.

(*d*) Does not arise.

THE HONOURABLE MR. HOSSAIN IMAM: Did the said gentleman see any Member of the Executive Council unofficially ?

THE HONOURABLE MR. T. A. STEWART: I am afraid, Sir, I have no record of the private interviews of this gentleman.

FILLING OF A THIRD DIVISION VACANCY IN THE LEGISLATIVE DEPARTMENT.

228. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Is it a fact that the present strength of the Legislative Department is of 50 men ?

(*b*) Is it a fact that there are at present only seven Muhammadans in this Department ?

(*c*) Is it a fact that according to the latest Resolution of the Home Department there should at least be 12 Muhammadans ?

(*d*) Is it a fact that only recently a vacancy has occurred in the Legislative Department ?

(*e*) Is it a fact that both the Establishment clerk and the Assistant Secretary are Hindus ?

(*f*) Is it a fact that an offer has been sent to a Hindu who is a relative of the Establishment clerk ?

(*g*) Is it a fact that the Establishment clerk took this file personally to the Assistant Secretary and Secretary and had it decided in the favour of his man ?

(*h*) Is it a fact that the Department did not even write to the Public Service Commission to give them a man ?

(*i*) Is it a fact that there are equally good qualified men from the minority community on the list of the Public Service Commission ?

(*j*) Do Government feel that an injustice has been done to the Muhammadan community or not ?

(*k*) If so, do Government propose to cancel this offer and ask for a Muhammadan candidate from the Public Service Commission ? If not, why not ?

THE HONOURABLE MR. G. H. SPENCE: (*a*) and (*b*). Assuming that the Honourable Member is referring to the ministerial establishment, the actual figures are 51 and 8, respectively.

(*c*) No. The Resolution does not refer to the existing composition of any office but provides that 25 per cent. of all vacancies to be filled by direct recruitment of Indians will be reserved for Muslims and 8 $\frac{1}{3}$ per cent. for other minority communities, and I may add that of the last four vacancies in the Legislative Department filled by direct recruitment, including the vacancy to which the question relates, two or 50 per cent. have been filled by the appointment of Muslims and one or 25 per cent. by the appointment of a representative of another minority community.

(*d*) Yes.

(*e*) This is a fact though an irrelevant one.

(*f*) The vacancy has been filled by the appointment of a Hindu. He is not a relative of the Establishment clerk.

(*g*) No.

(*h*) Under the relevant orders, no reference to the Public Service Commission is required where a vacancy is filled as in the present case by the transfer of a clerk from one department to the same grade in a different department.

(*i*) As the vacancy was not required to be filled from a minority community, this question does not arise, but I may inform the Honourable Member that the appointment in question was an appointment in the third division and that the person appointed, who is an Honours graduate possesses higher educational qualifications than those required of or normally possessed by candidates for the Public Service Commission examination for the third division which the person appointed had duly passed.

(*j*) No.

(*k*) There is no question of cancelling an offer. The appointment has been made and for reasons which will be apparent from the replies to earlier parts of the question, no grounds for cancelling the appointment exist.

THE HONOURABLE SAIYID RAZA ALI: Am I to understand, Sir, that the Honours graduate who was appointed had not passed the Public Service Commission examination.

THE HONOURABLE MR. G. H. SPENCE: No, Sir. He had passed the Public Service Commission examination.

REMOVAL OF DISQUALIFICATION UNDER RULE 5 (2) OF THE LEGISLATIVE ASSEMBLY ELECTORAL RULES FROM CANDIDATES STANDING FOR ELECTION IN THE NEXT LEGISLATIVE ASSEMBLY WHO MIGHT BE DISQUALIFIED UNDER THE RULES.

229. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that imprisonment after conviction in a court is a disqualification for standing as candidates for election to the Legislative Assembly? If so, what are the periods of imprisonment which debar a candidate from standing for election?

(*b*) Will Government be pleased to state the different disqualifications of the civil disobedience prisoners who have been released or are being released?

(*c*) Do Government propose to remove such disqualifications of the civil disobedience prisoners? If so, what steps have Government taken to remove the disqualifications?

(*d*) Will Government be pleased to state whether Government propose to remove such disqualifications by a general order? If not, why not?

(*e*) Is it a fact that each individual candidate having the above disqualifications will have to apply to Government for the removal of those disqualifications? If so, whether such applications will have to be made to the Government of India direct or through the Local Government?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*b*). The Honourable Member is referred to sub-rule (2) of rule 5 of the Legislative Assembly Electoral Rules.

(*c*), (*d*) and (*e*). If the Honourable Member will refer to the proviso to the sub-rule which I have quoted, he will see that on an application being made by a person disqualified under that sub-rule, the Local Government can, with the previous approval of the Governor General in Council, remove the disqualification. The Government of India are arranging for all applications to be submitted to them and each application will be carefully considered by them.

EDUCATIONAL QUALIFICATIONS FOR APPOINTMENT TO THE SECOND DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT.

230. THE HONOURABLE MR. HOSSAIN IMAM: (*a*) Will Government please state the minimum academic qualifications required of a candidate for an appointment in the second division of the Government of India Secretariat?

(*b*) Will they please also state whether a candidate, who has not passed the Public Service Commission examination for the second division of the Government of India Secretariat and is recruited for a vacancy in that division, is also required to possess the same academic qualifications as are required for that division under the rules? If not, why not?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*b*). I would draw the Honourable Member's attention to the reply I have just given to his question No. 226.

PROHIBITION OF THE APPOINTMENT OF BRITISH INDIAN SUBJECTS TO THE CIVIL SERVICES OF INDIAN STATES.

230A. THE HONOURABLE SAIYID RAZA ALI: (*a*) Will Government be pleased to state the names of those Indian States, each with a population of three hundred thousand or more, which prohibit the appointment of British Indian subjects to their civil services?

(*b*) Is it a fact that a subject of an Indian State is eligible for appointment to any office under the Crown to which a native of British India may be appointed on obtaining a declaration under the Government of India Act?

(*c*) Is such declaration made as a matter of course if such a subject has satisfactory conduct and character?

(*d*) Will Government be pleased to state what action they propose to take to introduce the principle of reciprocity?

THE HONOURABLE MR. M. G. HALLETT: (*a*) I am collecting information and will place it on the table in due course.

(*b*) Yes.

(*c*) A declaration of eligibility in respect of a candidate is made with the approval of the Secretary of State in Council only after the candidate has satisfied Government as to his nationality, character and antecedents.

(*d*) I propose to explain in my reply to the Honourable Member's Resolution the view which Government take on the suggestion which he has made.

THE HONOURABLE SAIYID RAZA ALI: Have there been any cases in which during the last one year, for instance, an application made by a subject of an Indian State for seeking the declaration under the Government of India Act has been turned down by the Secretary of State in Council?

THE HONOURABLE MR. M. G. HALLETT: I must ask for notice of that question, Sir. So far as I am aware, there has not been any such case.

SHORT NOTICE QUESTIONS.

Arti-nimaz DISPUTE IN AGRA.

231. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: With reference to the statement made by the Honourable the Home Secretary in reply to question No. 178 of this session, will Government be pleased to make a further up to date statement on the *Arti nimaz* question?

THE HONOURABLE MR. M. G. HALLETT: Sir, a telegram which I have received from the Government of the United Provinces states that the *Arti-nimaz* dispute was settled by mutual agreement between the parties on the 1st of September. Full details of the settlement have not yet been received but they will be reported as soon as possible.

There has, as Honourable Members are aware, been a further disturbance in Agra City not connected with the *Arti-nimaz* dispute, and if the Honourable Member so desires I will read out the telegram I have received from the United Provinces Government on that point. This is a message, dated 3rd September :

"Message just received from Commissioner, Agra, states that a communal disturbance occurred in city last night unconnected with recent *Arti-nimaz* dispute which had been settled by mutual agreement on 1st September. On the same date a Hindu was murdered in private quarrel. Body of deceased was taken to burning ghat on 2nd. Quarrel cause of which obscure arose and a Muslim was murdered at burning ghat. Shortly afterwards murder of a Hindu in retaliation took place in city whereupon sporadic rioting occurred during evening of Sunday and following night in which several persons injured. Troops called out and patrolled the city and additional police previously earmarked drafted in. Situation now quiet but troops will make route march through city today to restore confidence. Casualties in addition to two original murders are one killed and several injured but full details not yet available ".

Since receiving that telegram I have received another which was sent off at 4-45 P.M. yesterday, which says :

No further disturbance occurred at Agra yesterday. Police reinforcements arrived, situation quiet, total casualties four killed (including two murders which preceded rioting) and thirty-four injured ".

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Do the Government consider that this riot was not the result of the *Arti nimaz* affair ?

THE HONOURABLE MR. M. G. HALLETT : That fact has been stated by the United Provinces Government, who are far more fully acquainted with the facts than we are up here.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I know if any high official of the United Provinces Government or the Ministers went to the spot ?

THE HONOURABLE MR. M. G. HALLETT : That question, Sir, should be asked in the United Provinces Council. It is impossible for me to answer it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Does the Government consider the seriousness of the situation when a *hartal* was observed for more than three weeks, and will the Government advise the United Provinces Government to send some high official to the spot to bring about an amicable settlement between the two communities ?

THE HONOURABLE MR. M. G. HALLETT : I think we need have no reason to doubt that the United Provinces Government will deal with the matter with their usual efficiency and do everything possible to settle the dispute.

BURMA RAILWAYS EMPLOYEES' UNION.

232. THE HONOURABLE MR. P. C. D. CHARI : (*a*) Is the Government of India aware that " the Burma Railways Employees Union " was registered under the Trade Union Act in March, 1933 ?

(*b*) Is Government aware that the rules of the Union were submitted to the Agent, Burma Railways, and were approved by him before the registration of the Union was effected ?

(*c*) Is Government aware that the Agent, Burma Railways, has refused to recognise the Union ?

(*d*) Are there any rules or conditions governing the recognition of the Registered Railway Unions (of railway employees of the railways in India) by the Agents concerned ? If so, will Government please state them ?

(*e*) Do the Government of India propose to instruct the Agent, Burma Railways, to recognise the Burma Railways Employees' Union ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (*a*) and (*c*). From the information readily available, Government understand that the Burma Railways Employees' Union which was not registered under the Indian Trade Unions Act, 1926, up to May, 1933, was not then recognised by the Agent, Burma Railways.

(*b*) Government have no information.

(*d*) I would refer the Honourable Member to the rules issued by the Home Department in 1921 which are applicable to Unions of Government servants on State-managed Railways. A copy of these rules is already in the Library of the House.

(*e*) No.

HINDU WOMAN'S INHERITANCE BILL.

THE HONOURABLE THE PRESIDENT : Before we proceed with today's work I would like to remind Honourable Members that this is the last non-official day and I would like all the work which appears on the list of business to be concluded by the evening.

THE HONOURABLE MR. P. C. D. CHARI (Burma : General) : With reference to the legislative business, I have obtained the consent of all the gentlemen who have ballotted resolutions to allow me to move my Motion first, and I now ask your permission, Sir, to make my Motion ?

THE HONOURABLE THE PRESIDENT : If Honourable Members have no objection, as it will only take two or three minutes, I will allow the Honourable Member to make his Motion.

THE HONOURABLE MR. P. C. D. CHARI : Sir, I beg to move :

"That the Bill to amend the Hindu Law of Inheritance in certain respects and entitling woman to certain rights to the property of a joint Hindu family and to a share of inheritance on partition, be circulated for the purpose of eliciting opinion thereon."

Sir, by this Motion I am only asking the Government and Honourable Members of this House to keep an open mind. I want this Bill to go to the country, so that opinion may be elicited and I am not asking the Council to commit itself to the principle.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : The debate will now proceed on the Honourable Mr. Sapru's Resolution, namely,

"This Council recommends to the Governor General in Council that Viceroy's commissions in the Indianized units of the army should not be abolished."

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : This Resolution asks that Viceroy's commissions in the Indianized units should not be abolished. He has dealt with the question at length and I need not weary the House with further details. I simply wish to point out that we on this side do not wish to interfere in matters under the purview of the military authorities more than necessary. We would have been content to leave the decision in the hands of His Excellency the Commander-in-Chief if we had been informed of the changed complement of officers before the number of officers was increased to 60 in place of the 29 formerly eligible for Sandhurst, etc. As is well known the number of officers admitted into the army has been gradually increased and we were under the impression that we would be getting something more than we had before. But if the number of 60 eligible for entry into the Dehra Dun Academy is analysed, excluding those who come from Indian States, we find that we are in a distinctly worse position than we were in before the creation of the Indian Sandhurst. Formerly the usual number of officers in a regiment was 12 to 14, and now the number is to be increased to 28. As out of the 60 admitted, we have to place in each regiment 28 officers in place of 12. So that we have taken a distinctly retrograde step and Indianization, instead of being accelerated is going to be retarded and it will take much longer to Indianize units under the present scheme than would have been the case if the Sandhurst scheme had continued. That, if will be admitted, is a step in the wrong direction. With the advance of India on the road to Dominion status and *Swaraj*, we were expecting that the defence of India would become more and more a concern of the Indians themselves, who would be given a bigger share. If the Viceroy's commission is retained in the Indianized units, the result is that we will be able to Indianize more regiments than we could if that commission is abolished.

There is another sentimental point too. With the abolition of the Viceroy's commission a feeling may be created in the minds of soldiers who are serving in the Indianized units that their officers are just replacing Viceroy's commissioned officers and therefore they will not have the same amount of respect for their officers which they previously had. The British and the Indian Sandhurst officer are not directly concerned with the men ; and they had the Viceroy's commissioned officers to intervene and act as an intermediary. And thirdly, we regard that there will be a sort of blocking. I do not know what will be the practice, but when we abolish the Viceroy's commission the soldiers who are in the Indianized units will have one of the doors by which they can rise shut in their face, whereas the other units will have that scope. I do not know if it is the intention of His Excellency the Commander-in-Chief to restrict the intake of officers from the ranks to the Indianized units alone. If it is done it might recompense the Indian units for the loss of privilege that I have referred to. If it is not restricted to Indianized units and if recruitment is open to the whole of the Indian Army, then, Sir, I regard it as a distinct injustice to Indianized units.

Sir, I support the Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, the subject in hand is one of the most momentous questions ever discussed in this House. It affects the complexion of the Indian Army most vitally and will have more far-reaching consequences than the Government of India will care to admit or an ordinary layman will be able to visualise. The province to which I have the honour to belong has the deepest possible interest in this question. The Punjab is the gate of India. It is the sword-hand of the British Indian Empire. It supplies more than half the combatant strength in His Majesty's Indian Forces. Naturally, then, as a Punjabi I am more keenly interested in the subject of this Resolution than my Honourable colleagues from other provinces with the possible exception of the North-West Frontier Province. As a *Kshttriya* I represent the martial race of India, and feel an anxious concern for the rights, privileges and general welfare of the martial people of my country.

Viceroy's commissioned officers have been a regular feature of the Indian Army for generations past. These designations of subedar, risaldar, etc., have a good deal of sentimental and historical value attached to them, and the abolition of these ranks will be most undesirable on sentimental grounds alone. But there are much more weighty grounds on which the abolition of the old Viceroy's commissioned ranks should be opposed. There are very valuable traditions of honour, dignity, prestige and gallantry associated with these ranks. These traditions have endeared these ranks to all the martial-minded people of India and serve as a fertile source of inspiration to those who have occasion to serve in the army. Traditions of honour, courage and good name have a great value in every sphere of life. They have a tremendous importance in the military sphere. No army can afford to lose this rich heritage of its past traditions. No Government will allow a spring of loyal, devoted and inspiring traditions to dry up. And who can deny that a violent break with the past which the abolition of the Viceroy's commissioned officers implies will result in a drying up of that spring of perennial devotion, loyalty and daring which generations of these officers were able to bring into existence by means of traditions handed down from one set to the other in unbroken succession ? They cherished these designations, they honoured these names, they held these ranks in high esteem and were prepared to make a good many sacrifices to keep the reputation of these officers unsullied. What would the designations of "sergeant" and "warrant officers" mean to Indians ? They are foreign epithets and would mean next to nothing to Indians.

Foreign designations for Indians will be inappropriate anywhere, but they will be less inappropriate in non-Indianizing units. Corporals, sergeants, sergeant-majors, warrant officers—these may be all right for the British Army. But their use in the Indian portion of the Indian Army and *a fortiori* in the Indianizing units of it, passes my comprehension. Jemadar, subedar, risaldar, subedar major, risaldar-major—these names call up definite memories of dear associations. What will the names of corporal, sergeant and warrant officer recall to the minds of Indians ? Nothing. They are mere empty dreary blanks.

THE HONOURABLE THE PRESIDENT : The debate will now proceed on the Honourable Mr. Sapru's Resolution, namely,

"This Council recommends to the Governor General in Council that Viceroy's commissions in the Indianized units of the army should not be abolished."

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : This Resolution asks that Viceroy's commissions in the Indianized units should not be abolished. He has dealt with the question at length and I need not weary the House with further details. I simply wish to point out that we on this side do not wish to interfere in matters under the purview of the military authorities more than necessary. We would have been content to leave the decision in the hands of His Excellency the Commander-in-Chief if we had been informed of the changed complement of officers before the number of officers was increased to 60 in place of the 29 formerly eligible for Sandhurst, etc. As is well known the number of officers admitted into the army has been gradually increased and we were under the impression that we would be getting something more than we had before. But if the number of 60 eligible for entry into the Dehra Dun Academy is analysed, excluding those who come from Indian States, we find that we are in a distinctly worse position than we were in before the creation of the Indian Sandhurst. Formerly the usual number of officers in a regiment was 12 to 14, and now the number is to be increased to 28. As out of the 60 admitted, we have to place in each regiment 28 officers in place of 12. So that we have taken a distinctly retrograde step and Indianization, instead of being accelerated is going to be retarded and it will take much longer to Indianize units under the present scheme than would have been the case if the Sandhurst scheme had continued. That, if will be admitted, is a step in the wrong direction. With the advance of India on the road to Dominion status and *Swaraj*, we were expecting that the defence of India would become more and more a concern of the Indians themselves, who would be given a bigger share. If the Viceroy's commission is retained in the Indianized units, the result is that we will be able to Indianize more regiments than we could if that commission is abolished.

There is another sentimental point too. With the abolition of the Viceroy's commission a feeling may be created in the minds of soldiers who are serving in the Indianized units that their officers are just replacing Viceroy's commissioned officers and therefore they will not have the same amount of respect for their officers which they previously had. The British and the Indian Sandhurst officer are not directly concerned with the men ; and they had the Viceroy's commissioned officers to intervene and act as an intermediary. And thirdly, we regard that there will be a sort of blocking. I do not know what will be the practice, but when we abolish the Viceroy's commission the soldiers who are in the Indianized units will have one of the doors by which they can rise shut in their face, whereas the other units will have that scope. I do not know if it is the intention of His Excellency the Commander-in-Chief to restrict the intake of officers from the ranks to the Indianized units alone. If it is done it might recompense the Indian units for the loss of privilege that I have referred to. If it is not restricted to Indianized units and if recruitment is open to the whole of the Indian Army, then, Sir, I regard it as a distinct injustice to Indianized units.

Sir, I support the Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, the subject in hand is one of the most momentous questions ever discussed in this House. It affects the complexion of the Indian Army most vitally and will have more far-reaching consequences than the Government of India will care to admit or an ordinary layman will be able to visualise. The province to which I have the honour to belong has the deepest possible interest in this question. The Punjab is the gate of India. It is the sword-hand of the British Indian Empire. It supplies more than half the combatant strength in His Majesty's Indian Forces. Naturally, then, as a Punjabi I am more keenly interested in the subject of this Resolution than my Honourable colleagues from other provinces with the possible exception of the North-West Frontier Province. As a *Kshttriya* I represent the martial race of India, and feel an anxious concern for the rights, privileges and general welfare of the martial people of my country.

Viceroy's commissioned officers have been a regular feature of the Indian Army for generations past. These designations of subedar, risaldar, etc., have a good deal of sentimental and historical value attached to them, and the abolition of these ranks will be most undesirable on sentimental grounds alone. But there are much more weighty grounds on which the abolition of the old Viceroy's commissioned ranks should be opposed. There are very valuable traditions of honour, dignity, prestige and gallantry associated with these ranks. These traditions have endeared these ranks to all the martial-minded people of India and serve as a fertile source of inspiration to those who have occasion to serve in the army. Traditions of honour, courage and good name have a great value in every sphere of life. They have a tremendous importance in the military sphere. No army can afford to lose this rich heritage of its past traditions. No Government will allow a spring of loyal, devoted and inspiring traditions to dry up. And who can deny that a violent break with the past which the abolition of the Viceroy's commissioned officers implies will result in a drying up of that spring of perennial devotion, loyalty and daring which generations of these officers were able to bring into existence by means of traditions handed down from one set to the other in unbroken succession ? They cherished these designations, they honoured these names, they held these ranks in high esteem and were prepared to make a good many sacrifices to keep the reputation of these officers unsullied. What would the designations of "sergeant" and "warrant officers" mean to Indians ? They are foreign epithets and would mean next to nothing to Indians.

Foreign designations for Indians will be inappropriate anywhere, but they will be less inappropriate in non-Indianizing units. Corporals, sergeants, sergeant-majors, warrant officers—these may be all right for the British Army. But their use in the Indian portion of the Indian Army and *a fortiori* in the Indianizing units of it, passes my comprehension. Jemadar, subedar, risaldar, subedar major, risaldar-major—these names call up definite memories of dear associations. What will the names of corporal, sergeant and warrant officer recall to the minds of Indians ? Nothing. They are mere empty dreary blanks.

[Rai Bahadur Lala Ram Saran Dass.]

Besides this, Indian officers holding the rank of jemadar or upwards are known as commissioned officers. It is true that their commission is not a King's commission, but it is a commission all the same, and they are commissioned officers. That gives them an added sense of self-respect and sense of dignity. Their prototypes under the new scheme will not be commissioned officers and, consequently, their sense of self-respect will be lowered. I cannot emphasise the importance of self-respect in the men who wear the King's uniform in the army and are expected to fight the Empire's battles. The lower the sense of self-respect of our men in the army, the lower the efficiency of our military machinery. On the other hand, the higher the level of self-respect among our men the greater the efficiency of our army.

The abolition of the Viceroy's commission will entail the loss of very substantial pecuniary advantages. Risaldar-majors and subedar majors receive a personal allowance of Rs. 50 a month. This allowance forms part of the pension allowed to these officers on their retirement. The addition of R . 50 per month to one's pension means a very substantial gain. In the ordinary course of things this advantage will disappear with the abolition of the post of subedar major and risaldar major.

Similarly the British Order of India, II class, carries with it a monthly allowance of Rs 30 with the title of *Bahadur* while the British Order of India, I class, carries with it a monthly allowance of Rs. 60 and the title of *Sardar Bahadur*. This means both honour and financial gain. These allowances are added to the pension to which an officer is entitled on retirement. But the Order itself is not open to men and non-commissioned officers. Only officers holding a Viceroy's commission are eligible to it. The abolition of the Viceroy's commission will thus involve the disappearance of this Order and the pecuniary advantages attached to it.

The allowances which are attached to the Indian Order of Merit, both first class and second class, are also different in the case of commissioned officers holding the Viceroy's commission and non-commissioned officers or rank and file. The abolition of the Viceroy's commission will mean the closing of higher allowances to Indians.

Lastly, if I am not mistaken, the Military Cross is not open except to commissioned officers. At least I have not come across a single individual who holds a Military Cross and is not a commissioned officer. If my impression is well-founded that means the elimination of another very important honour and allowance open to Indians serving in the army. I have reasons to believe that these incidents of the new system are not realised or are only imperfectly realised by those who enlist in the army. When the full implications of the new system are realised the popularity of military service is likely to suffer a serious diminution. Add to this the disadvantages which will follow on the abolition of the Viceroy's commission (to which I have already alluded) and you will have to reckon with very grave factors which will cause a deplorable diminution in the popularity of service in the army.

The abolition of the Viceroy's commissions will further mean a serious slackening of the pace of Indianization. If the Viceroy's commissioned officers

have also to be replaced by the products of the Dehra Dun College the time taken by the complete Indianization of a regiment will be doubled as the number of these officers in every regiment is practically the same as that of King's commissioned officers. The result will be that if the complete Indianization of a certain number of units with the retention of the Viceroy's commissioned officers takes 20 years, with the abolition of the Viceroy's commissioned officers the process will take 40 years.

In non-Indianizing units Biritish officers will have the advantage of the experience and advice of senior Indian officers holding the Viceroy's commission.

Sir, a gallant Punjabi British commissioned officer while in command of a company of the 1st Brahmins narrated to me a fact that a major commanding that section ordered a certain line of advance in Arabia during the Great War and a Viceroy's commissioned officer came to that gallant officer who gave me the information and said that the line of advance was not in accordance with the regulations. The major agreed that the subedar major was right and modified his plans accordingly. I do not want to mention the name of the officer but as far as I understood from him it was a fact and thus these Viceroy's commissioned Indian officers have proved a great asset to the army.

Why should Indian officers coming out of Dehra Dun be deprived of this advantage? They will stand in greater need of the help and advice of experienced Viceroy's commissioned officers. In a way they will be on probation, and those who are no probation feel more nervous than those who are not on probation. The very fact of nervousness which will arise from their peculiar position will cause them to make more mistakes than their British confreres. Why should Indian officers be made to start under a handicap? Why should they not have the same advantages which are enjoyed by British officers?

Last but not least is the effect which the elimination of the Viceroy's commissioned officers will have on the attractiveness of Indianizing regiments. The existence of the Viceroy's commissions has a powerful attraction for all those young men who have had only a vernacular education or only a smattering of English education and who cannot expect to secure superior commissions either through open competition or through the army. Young men from the best military families with fine martial instincts and traditions are attracted by the Viceroy's commissions.

Sir, under the circumstances I will make a fervent appeal to the Government in the name of our Indian soldiers, in the name of economy, in the name of efficiency, in the name of sound policy, in the name of Indianization and in the name of justice and fair play that the valiant and valuable hand of the Viceroy's commissioned officers in the Indianizing units should be retained with all their present powers and privileges and should, under no circumstances, be abolished.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, after listening as I have done to the Honourable mover of this Motion on the last private motion day and to the speeches I have heard today, I must confess to a sense of fatigue,

[His Excellency the Commander in Chief.]

weariness and disappointment. There are a very great number of people in the British Isles now and a very great number of people out here, Europeans, who are trying their best to help India forward, and I must confess we get very little help from Indians in the matter. Criticisms we get—hostile criticisms—very rarely constructive criticisms—and it does seem to me that some of my Honourable colleagues in this House on the Opposition benches excel in this. They excel in the pastime of opposition to..... No, I will withdraw that Sir. If I said that, Sir, it would seem as if I meant that I banged and barred and bolted the door to private discussion on the subject. That I certainly do not. I am always willing to listen to criticism which is helpful but when the same criticism is made day after day and week after week I do think, Sir, you will admit that the dog is sometimes rather dead. I will say this, Sir, that some of our colleagues on the Opposition benches here do display a very marked enthusiasm for speaking to the man at the wheel after the course of the ship has been well and truly laid. In this case, the Government of India, fully supported by His Majesty's Govern ent in England, have decided on the objective of the voyage of the Ship of Indianization, and they have given to me, their captain on the bridge for the moment, their orders and instructions, and I have taken counsel of my charts and the best known practice in the art of navigation that I know of and I have tried and I think myself that I have set a true course to the port of our desires, which is an Indian army modelled on the very best models of the rest of the armies of the world. Is it to be wondered at, Sir, that, after all the discussions, all the anxious thought and all the care that we have devoted to this subject, that we should decline to alter our course and speed at the behest of people who, to say the least, have little or no knowledge of navigation ?

The Honourable mover tried, I thought, on the first day of his Motion, to anticipate the Government reply by quoting many of the arguments—and in my opinion very excellent arguments—which have been advanced in support of the Government policy, and with almost unctuous satisfaction disposing of them by the simple process of contradiction. I think, Sir, one is entitled to ask by what right he and his friends take leave to criticise so glibly the policy of Government which that Government has adopted on the considered advice of men who have spent their whole lives in the profession of arms, and I would add, Sir, who have no political axe to grind whatever. It is so fatally easy, Sir, for the politician to criticise from the security of his armchair, or the security of the floor of a political Asse bly, a policy for the results of which he is not in the slightest degree responsible. It is so easy, from the comparative comfort of one's cabin on board ship, to criticise the captain on the bridge, who is peering anxiously through the icy spray of a stormy night, and to say that he does not know his business. It is so easy on a Motion of this sort to talk about a bold policy of elimination of British troops in India, or the stopping of all recruiting of British officers for the Indian Army. It is so easy for people to say that, who are in no sense responsible for the safety of India. Who would be the first to cry out if riots such as we have just heard in one of the questions occur which affect the safety of their homes and efficient troops were not available to put those riots down ? It is so easy to say, as one Honourable Member did, that the recommendations of the Sub-Committee of the Round

Table Conference with regard to Indianization have in no way been fulfilled when Indianization since that period has been actually doubled ! It is so easy to say that the new young officers will feel a sense of inferiority and that there is discontent already among the rank and file, when the speakers are in no sense responsible themselves. But I say, Sir, that they are responsible for the most dangerous effects such talk may have on the future of the Indian Army.

Have the Honourable mover and his friends ever heard the whine of a bullet down a frontier valley ? Have they seen soldiers' faces blanch when death in ugly shapes is taking toll of their ranks ? Have they ever seen a young British officer, just as frightened no doubt as they are, but by his inherited tradition to lead, step in front of his men and play upon their nerves like a skilled musician on an instrument, restore their tone and do with them what he likes ? Have they ever seen that ? If they have not seen that, then why should they say in what manner we should train the young officers of the Indian Army to take their place and lead their men, when their lives and the fate of their country are at stake ? Do the Honourable Members of the Opposition think that officers of this sort can be created overnight by a stroke of the pen or by the speeches of politicians or a minority report by Mr. Somebody-or-other on a committee ? Do he and his friends think that a war-worn and war-wise nation like the British, who won their Empire at the point of the sword, and have kept it by the sword all these years, are to be turned aside by armchair critics when we are making the greatest experiment in history and when we are still responsible for the consequences of that experiment to the millions of people in India ? If they do that, Sir, I think they have learned very little from their long association with my race.

Indians have asked, and as this House knows very well, I agree with them in their asking, for the gradual Indianization of their own army. Some would wish to increase the speed and alter the course that we have signalled from the bridge to the engine room, and others (and I think they are by far the wiser) are content to leave the speed and direction of the ship to those who have to shoulder the responsibility. We have accepted that responsibility, and in doing so, we have designed an army modelled on exactly the same lines as every other army in the world, in which young officers join and from the moment they join, they command their men directly, with no link between them and the ranks which they command. I say, Sir, that if you aim at a national army and not a hybrid army, there is no other possible course. It was very different in our case when we created the Army in India with which we have kept the peace all these years. Our officers were foreigners, and it was very necessary, in view of the enormous complexities of caste, religion, race, language with which they were confronted that they have a link between them and the men they commanded, and I should like to pay a tribute here to the magnificent success of that link. In spite of the position of the Viceroy's commissioned officers being somewhat anomalous—really anomalous—in that the last-joined English boy commanded the oldest risaldar or subedar-major no more perfect military relationship has, I contend, ever existed in the world, than that relationship which has obtained and still obtains between the British officer and the Indian Viceroy's commissioned officer

[His Excellency the Commander in Chief.]

and it has stood the test of many wars. But because I say that, it is no reason why, when the foreign British officer is being gradually eliminated, the same thing should apply to men of their own race.

It is quite obvious to me why this question has been so often raised in the last few years. The hand is the hand of Esau, but the voice is the voice of Jacob. I am afraid it is not the efficiency or non-efficiency of the army which is troubling most of those who raise this point so often. It is not, I am afraid, pity for the Indian non-commissioned officer whose chances are being somewhat lessened. It is not the discontent which some of them say this new system and the elimination of the Viceroy's commissioned officers will give rise to. I am afraid it is simply and solely because they think that if we do not eliminate the Viceroy's commissioned officer, the pace of Indianization will be speeded up regardless of the efficiency of the army in the future. I have said, Sir, so many times, and I say so again emphatically, that nothing will ever induce me to recommend to the Government of India that the organization of the new Indianizing army in India should differ in any respect from the best models of other armies in the world and I should not be doing my duty if I did so. Nor would it be in any way in the best interests of the future Indian Army, and in my opinion it would be a very grave reflection on the capacity of your own young Indian officers who are now getting commissions in the Indianizing portions of the army.

I consider, Sir, that it is sheer nonsense, and in some ways mischievous nonsense, to say that it will lower the opinion of the rank and file for these young gentlemen. Which, Sir, is likely to lower the opinion of the rank and file most—the fact that these young officers can stand on their own legs and do the work that every young officer is doing, or the fact that they have to be "dry nursed" by a special link? There is no doubt about the answer whatever. So far from lowering their status, it will raise it.

Then again, Sir, it has been said both today and on the last occasion when this subject was debated that our proposal will lead to greater expense. It will not. The figures of the Honourable mover and others are quite wrong. They have quoted any figures between 27 and 32 officers of the new regiment. The figure will be 23 or 24. The rates of pay that we are proposing are almost exactly the same as their brother British officers get when they are serving in their own country—in England—but they naturally do not contain a special Indian element. Why should Indians who get pay exactly the same as our own British officers do in their own home feel a sense of inferiority? If that is the case, why do not I feel a sense of inferiority because the British officer in the Indian Army gets much better pay and pension than I do? It is because I know that they have earned it by many years of banishment from their own country. It is quite obvious of course that a few non-commissioned officers will have less prospects than they did of attaining to what always has hitherto been a very coveted rank. But the number who get it in any case is not great, and a great many of those non-commissioned officers will now be taken specially in hand and have special opportunities for education given them in order that they can enter the new Indian Sandhurst through the ranks and gain the full status of an officer. Fifty per cent. of those vacancies at

Sandhurst were given to these non-commissioned officers and they are still eligible for Viceroy's commissions in that part of the army which is not Indianized. And in addition we are creating in the Indianized units a new class of warrant officer exactly similar to that in the British ervice. Their status and pay will not be so high as that of the Viceroy's commissioned officers, but their pay and pension will very closely approximate to that of a jemadar.

Now, Sir, I do beg that all these questions may be looked upon as not appertaining to one class or one rank or still less to individuals. We must look at them in their true light as part of a great and momentous change which is taking place in the Indian Army.

12 NOON.

I may have spoken strongly, Sir. It is because I feel strongly on this matter. It is because I am personally devoted to the Indian Army, that I am intensely proud of my connection with it. (Applause.) And I am deeply interested in its future and I feel how dangerous, misinformed and irresponsible criticism may be to the young plant of Indianization. We are honestly trying to start your new army with a pride in itself, and some of you are trying your best to make it ashamed of itself. We all heard, Sir, what His Excellency the Viceroy said the other day. Was he not right in urging the cultivation of a genuine spirit of co-operation and understanding during the next few months and years—vital months in the future of India. Is it too much to hope, Sir, that I may get more co-operation and less hostile criticism in my attempts to make a new army? (Applause.)

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I propose to join the ranks of those irresponsible critics who have preceded me. That irresponsibility, that want of knowledge on military subjects is not due to any fault of ours. If we had a system whereby the responsible Members of the Legislature are allowed, as in other countries, their say in military policy, they would be in a better position to understand the real requirements of the military situation.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have said a hundred times that I am always willing to meet any Member of both Houses and explain anything about our plans and what we are going to do.

THE HONOURABLE MR. P. C. D. CHARI: I thank His Excellency for that assurance once again. But my difficulty is that though once in a way we may have an opportunity of taking our doubts to His Excellency to resolve, what we really require is a bird's-eye view of the military requirements of the country. This requires deep study and a position assured to us by the constitution whereby the Legislature could visualise the position and help the military authorities to come to conclusions. It is the absence of that position that is really responsible for what His Excellency has been pleased to term irresponsible criticism. The Members do not take an idle pleasure in making destructive criticism. They may want actual knowledge, but they have native intelligence and experience of life, of civil life at least, and they can appreciate facts, figures and conditions of service put up by people in the know like His Excellency. Bearing that in mind, if they have a reasonable doubt in regard to the policy propounded, is it not right and fair that they should come forward and say that in their view the military policy is wrong and they have a better idea about it. That idea may not be correct, but it is for the military authorities to see

[Mr. P. C. D. Chari.]

how far the intelligence of these people can be harnessed to develop the military policy in regard to which they have no scope under the constitution for shaping it. They have only limited advisory powers and I hope His Excellency will take the criticism that comes from this side of the House as being actuated by the best of motives, and as constructive views. At any rate those views are entitled to some amount of consideration and I hope His Excellency will in future better appreciate the criticism from the non-official benches.

Sir, I have great pleasure in supporting the Motion so ably moved. My Honourable friend Mr. Ram Saran Das has given the real feeling of the martial classes of India with reference to the proposal to abolish the Viceroy's commission. I heartily support him in what he has said. I admit I do not belong to the martial classes, but I am interested in the proper policy to be adopted for Indianization of the Indian Army, more especially as we have been told that unless India can have its own army adequate for its defence it cannot expect *Swaraj*. Sir, this is only a small Resolution in regard to the Indianization of a minor cadre, but the principle involved is big enough for us to agitate for the retention of the Viceroy's commissioned officers in the Indianized units. From what I have been able to gather from the speech of His Excellency, the real trouble seems to be that because the Viceroy's commissioned officers are men of ripe experience, with considerable service and practical experience in the army, and it is not considered desirable that they should be subordinated to the recently recruited Indian officers from Dehra Dun. But why should the Viceroy's commissioned officers be out of place in Indianized units alone? Is it considered that they can very well obey a junior British officer but that they should not be called upon to obey the orders of the recently recruited Indian officer? Is that the idea?

THE HONOURABLE SAIYID RAZA ALI: That was not His Excellency's argument.

THE HONOURABLE MR. P. C. D. CHARI: That is what I gathered; I may be wrong. On the other hand, I would say that if you are going to Indianize a whole division, then the proper course would be to keep up the tradition so far as is consistent and compatible with Indianizing the units. These Viceroy's commissioned officers are there in those units and the tradition should be kept up in further Indianizing it by having officers also as Indians.

I have got one other appeal to make to His Excellency the Commander-in-Chief before he takes steps to abolish Viceroy's commissioned officers in the Indianized units. In view of the very large unemployment which is facing the country, there would be a large number of boys with the necessary English education, but who would not be in a position to enter Sandhurst. There must be an opportunity in the Indianized units for these educated men, for instance, we have people who have passed the School Final, or Matriculation or Intermediate. There must be an incentive to these people to enter Indianized units as rankers—

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Does the Honourable Member ask me to consider unemployment before efficiency for war?

THE HONOURABLE MR. P. C. D. CHARI: I am not asking His Excellency to consider unemployment before efficiency. I ask him to keep the army in India trim and in the highest state of efficiency. Consistent with efficiency if people from the martial classes who are fit in every respect to enter the army happen to be educated people, there will be an incentive to them to join the Indianized units as rankers if there is a prospect of attaining to Viceroy's commissions and I hope His Excellency will bear it in mind. I am not for a moment suggesting that unemployment should be placed before the desire to keep the highest traditions of the army in view. Consistently with efficiency it must be possible for educated young men to enter the ranks in the Indianized units. If you take away this incentive,—the prospect of their becoming Viceroy's commissioned officers,—then to that extent you will be discouraging the educated classes, properly qualified, physically fit Indians, from entering the Indianized units.

With these words, Sir, I support the Resolution.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, I do not hesitate to say that there was one part of His Excellency the Commander-in-Chief's speech which has considerably influenced me. His Excellency went on to say that he was anxious to base the organization of the Indian Army on the latest European model. Now, that is a desire, I am sure, with which all patriotic Indians would agree and they would welcome that statement by His Excellency the Commander-in-Chief. There is, however, one point which I think is of considerable importance, and it is this. We all know, Sir, that the profession of arms in India, at any rate in the past, has not been open to anybody and everybody. India like the old Japan was a country is which the profession of a soldier was confined to certain races which were known in this country as martial races. I, myself, Sir, though a civilian, belong to a family that had rendered military service to the rulers of the time; both my maternal grandfather and my paternal grandfather were soldiers. My father was the first civilian in the family. This profession in India has been confined to particular families.

I invite, in this connection, His Excellency the Commander-in-Chief's attention to a very important question, namely, the enlistment in the army of a man who knows only a little English, say, up to the 7th or 8th standard, or who knows only a little Gurmukhi, or only a little Persian, or can read and write Urdu only, but who belongs to a martial family, that have rendered important military services in the past to the Crown. The man himself is very fit to enter the army and by reason of family traditions it can be expected that he will give a good account of himself as a soldier. Now, I put it to His Excellency whether a man like that is more likely to offer himself for enlistment in the Indianized unit or in the unit that is not going to be Indianized. It is obvious I take it that this man will not care to join the Indianized unit for the simple reason that the chances of promotion are taken away for ever. It will no longer be open to this man to ever become a jemadar or a subedar or a risaldar as the case may be. No doubt, as His Excellency pointed out, he can in course of time become a warrant officer; but we know that the status and emoluments of a warrant officer in an Indianized unit will be less than the status and emoluments of a Viceroy's commissioned officer in the non-Indianized unit. It thus follows, if my argument is right, Sir, that this man would rather offer himself

[Saiyid Raza Ali.]

for enlistment in he non-Indianized unit than in the Indianized unit, and to that extent the efficiency of the Indianized unit cannot but suffer. I am not pleading the cause of the Viceroy's commissioned officers who in the past have rendered very great and valuable services to the Crown in various theatres of war in almost every continent. What I am pleading is that no steps should be taken which are likely to affect the fighting value and efficiency of the Indianized unit. There are very many young men who have got some sort of education and who are very keen on adopting the career of a soldier. My submission is that these men, after the abolition of the Viceroy's commissions in the Indianized units will, as a rule, offer themselves for enlistment in the non-Indianized units, because there their prospects would be much better; they could rise to the positions of jemada, subedar and risaldar. I would invite His Excellency's earnest attention to this aspect of the question. I say at least this is a question that should be considered before it is decided to abolish Viceroy's commissions wholesale. Earnest consideration should be given to that and if possible a satisfactory solution should be arrived at.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I quite realise that the non-official agenda is very heavy and therefore I had absolutely no intention to speak on any of the resolutions except mine, to co-operate with you to finish the agenda; but some of the remarks of His Excellency the Commander-in-Chief have compelled me to rise and give a suitable reply.

Sir, His Excellency the Commander-in-Chief was pleased to call us irresponsible men. Certainly, Sir, from his point of view, we are irresponsible, because we come here to criticise the actions of his Department.

THE HONOURABLE MR. P. C. D. CHARI: We are constitutionally irresponsible.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: But, Sir, I will place before him the position that no good government can be carried on if it only hears one side of the case, *i.e.*, its supporters. It is necessary for every good administration to hear both sides of a problem and if we come here to sit on these benches it is only to help Government to see the other side of the picture so that they may come to a right conclusion. If by doing so we lay ourselves open to being called irresponsible we do not mind. Sir, His Excellency was pleased to say that efficiency was the one object he had in view and that was uppermost in his mind. We do not quarrel with him on that point but, Sir, we would like to know, if after a hundred years of British occupation in India, it lies with the administrators to say that Indians have not reached that efficiency? Sir, may I ask if any regiments have been Indianized during all this time? On the one hand, when we ask for Dominion status we are told that the first and primary thing for a country demanding Dominion status is to have its own defence and this is the chief objection that is thrown in our way. On the other hand, when we request that the time has come for the army to be Indianized and that the Indians should be given a chance to prove that they are not lacking in that capacity, we are told that they should not be speeded up. Sir, I may remind His Excellency that it was on the field of Flanders and other fields of the Great War that Indians proved their worth. That worth was recognised on all hands. The Indians proved their worth when other countries were not prepared to face Germany and Indians gave time to the British and their lives to mobilise and face Germany. Sir, after all that if anybody says that Indians are not fit, I think it is not right and proper. Then, Sir, as regards the pace of Indianization, as I have said, our first object is to show that we have got the capacity in that respect and our second object is to show that the country is overburdened with military expenditure. Sir, we all know that after the Indian Mutiny a ratio was fixed by which one British soldier was to be kept for every two Indian soldiers. One to two was the ratio decided after the Mutiny. May I ask, Sir, after about 70 years is it proper to keep the same ratio? (*An Honourable Member*: "The ratio is changed now.") I beg to differ from my Honourable friend because so far as my information goes it is not changed. In an answer to a question put during this session His Excellency was pleased to give some facts and figures and according to these figures, Sir, India has 58,000 British soldiers and about double the number of Indian soldiers. The cost of British troops that Indian taxpayers have to meet is Rs. 19 crores——

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Question?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA——and the cost of Indian troops that we have to bear is Rs. 17 crores. The expense per head of British soldier is about Rs. 2,500 and the expense per head of an Indian soldier is about Rs. 650. So, Sir, this is also another consideration for us to propose that the pace of Indianization should be speeded up.

Sir, if the Viceroy's commission is abolished, what will be the result? Under the existing scheme there are 16 Viceroy's commissioned officers and 16 King's commissioned officers in every regiment. If the Viceroy's commissioned officers are to be abolished, India will take double the time to Indianize its army because they will require about 32 officers instead of 16 to Indianize it. Therefore, Sir, the object of this Resolution is that we want that the pace of Indianization that was set forth in the first Round Table Conference should be continued and I must say, Sir, after the first Round Table Conference and the Sub-Committee that sat in connection with defence, the angle of vision of the Government has changed and it is on account of this that they have indirectly thought to abolish the Viceroy's commission so that the pace of Indianization may be retarded.

Sir, for these reasons we on this side of the House have no alternative but to support the Resolution moved by my Honourable friend Mr. Sapru.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, apart from all extraneous considerations, the question lies in a nutshell. That is, whether these Viceroy's commissioned officers will be superfluous under the new scheme of Indianization of the army. If His Excellency the Commander-in-Chief with his vast and varied experience is of the opinion that they are, then I think it does not lie with us, who have had no such experience to guide us, to question his authority. He is the best judge of what is necessary. Times have changed,

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

a new organization is coming into being and whatever changes take place, it is inevitable, in every sphere of life that while some persons go to the wall others come up to the front. And thus under the present circumstances, I believe that without experience and knowledge we cannot question the considered opinion of His Excellency the Commander-in-Chief when he says that these officers are superfluous and will not be necessary in the Indianized units.

Secondly, Sir, there has existed the demand for the reduction of the cost of the army. The scheme of Indianization will bring about the desired result to some extent as expenses will be reduced under the changes contemplated. Such being the case we should accept the opinion of the greatest authority that we have. I think that we should not support this Resolution.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, as has been observed and very rightly observed by His Excellency the Commander-in Chief, it is but right and proper that in our attempt to reorganize the Indian Army and Indianize the country's national forces, we should always have before our eyes the most efficient models obtaining in the world.

I wholeheartedly endorse this recommendation. At the same time I do submit that in our endeavour to copy the best models obtaining in the world, all that is required is to see what deficiencies there are in our present military policy and try to rectify those deficiencies. It is not necessary that we should abandon a part of the policy which up till now has contributed so much to its success.

Do we find from what His Excellency has just said the least mention or even the remotest hint that these officers had on any occasion failed to come up to the standard and answered the purpose for which they had been intended? It is abundantly clear from His Excellency's speech that on every occasion when they were required to take their part in any action, they always succeeded in discharging their duties most valiantly and efficiently. His Excellency the Commander-in-Chief has been kind enough to pay them unstinted tributes for the distinguished service which they have rendered in the Great War. His Excellency has also told us how this part of the Indian Army has always contributed very greatly to the strength and efficiency of the Indian force. In view of all this, it is very difficult for us to see the real object at the back of the mind of the Government in trying to do away with this class of people.

I take objection to the abolition of this commission on two grounds, and I think that those are the grounds on which most of the Honourable Members who have taken objection have based their criticism. The first is that the doing away with this class of officers will tend to retard the pace of Indianization. I will not dwell long on this aspect of the question. All I say is that in view of the limited admission that takes place every year in the Military College at Dehra Dun, it is not possible that all those educated young men who join the army would have a chance of securing a cadetship at the Indian Military College. Is it not fair, Sir, that these young men, most of

whom would be baulked of their ambition, and would fail to secure a cadetship at Dehra Dun, should be enabled to find solace in securing the Viceroy's commission? A question was asked here whether we should try to find employment for these young men at the cost of efficiency. But, as has been observed by my Honourable friend Mr. Chari, it is not in the least suggested that efficiency should in any way be allowed to suffer on account of these people. Far from taking any step which would impair the efficiency of the Indian force, our past experience goes to show that taking the step which is proposed in this Resolution would be simply ensuring the efficiency of our army. For, as has been observed by my Honourable friend Saiyid Raza Ali, the kind of men who aspire to this kind of commission are those who come of a martial class, with family traditions of long and distinguished service in the army. I hope His Excellency the Commander-in-Chief is not unaware of the strong feeling that exists in the country over this question. The military classes in India are very much agitated over the abolition of this class of officers. They feel that for all the services they have rendered for which the Government has been so profuse in expressing appreciation, they have been very badly let down, inasmuch as their sons have been prevented from joining the army, for they feel that it would not be worth while inducing their sons to enlist themselves in the army when in the absence of any chance of securing the King's commission or the proposed Indian commission, all that they can aspire to would be the rank of warrant officer in the Indian Army. By abolishing this class, not only do you deprive this fine class of young men of a military career for which they are so well suited, but you also deprive the country's army of the kind of material which up till now has contributed so much to the efficiency and strength of the Indian Army.

Therefore, Sir, I feel that in view of these facts Government should try and see their way to retain this class of officer in the army.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Central: Non Muhammadan): Mr. President, the first speaker after me on the Resolution was my esteemed friend, the Honourable Sir Akbar Khan. I find that he is not here today. He is a brave and patriotic man. He said that he was a pensioner and he indicated that his heart was really with us. Any one who heard his speech would have seen that. Then, the second speaker on my Resolution was the Honourable Mr. Hossain Imam. Of course, he shares my point of view and he has supported me with his usual ability. The third speaker on my Resolution was my leader, Rai Bahadur Lala Ram Saran Das. He spoke as the representative of the martial classes and he has furnished also very good arguments in support of my proposition. Then, I come to the speech of His Excellency the Commander-in-Chief. I was sorry for that speech. If His Excellency will pardon my saying so, it was a provocative speech, and it was a speech which will have repercussions in the country. He says, Sir, that he feels fatigued, weary and disappointed when he listens to criticism. May I say, Sir, that we feel exactly similar feelings when we listen to the military authorities on the question of Indianization? He said, Sir, that Indian critics had no constructive criticisms to offer. Does he realise, Sir, that he includes in that criticism all that is best and patriotic in the public life of this country—men like Sir Sivaswamy Aiyer, men like Diwan Bahadur Ramaswami

[Pandit Prakash Narain Sapru.]

Mudaliar, men like Sir Abdur Rahim, men like General Rajawade ? They are not satisfied with the policy of the Government and the military authorities. He has not the support and the approval of these men. Well, Sir, I ask whose support has he ? Sir, he says that he welcomes criticism which is helpful, but what right have we who are not experts to criticise the Army Department at all. Sir, I thought that parliamentary government was government by amateurs, that the merit of Parliamentary government was that in that Government you had a combination of the amateur and the expert. By what right was Lord Haldane the Secretary for War, and by what right do we regard him as the greatest Secretary of State that England ever had ? Speaking of the expert, I should like to say this. The expert has got his limitations. He is inclined to be narrow at times. He is inclined to be prejudiced. He is inclined not to take the broad view which public men accustomed to public life, under pressure of public opinion, can take on great occasions. Sir, if you push his argument to its logical conclusion you will have to come to this conclusion—shut up these Councils. Why have the farce of these Councils if you resent criticism on our part ? We criticise because as patriotic men, as men who endeavour to the best of our ability to give thought to the problems of our country, we feel that your policy is wrong. If you resent that criticism, if you think that our criticism is not honest, then you must not expect us also to think that what you are doing is always honestly in the interests of the country. Sir, I was sorry to hear His Excellency the Commander-in-Chief say, "Who are you to say in what manner we should train young Indian officers ?" Is it conceivable that in any country in which you have parliamentary government a change of this vital character would have been carried out without any reference to the legislature and to public opinion ? It is for His Excellency to answer that question. His Excellency said that the military authorities were trying the greatest experiment in history. And what is this greatest experiment in history ? So far as Indianization is concerned, you will Indianize this one division in about 20 years. You have six divisions. Are you going to Indianize the army in about 120 years ? Do you contemplete the continuance of the present dependent position of India for 100 or 120 years ? Is it conceivable that any patriotic Indian, any self-respecting Indian, can tolerate the idea of India remaining a dependent, non-self-governing country for a period of 100 to 150 years ?

Then, Sir, let me come to the arguments by which His Excellency has supported his case. I have anticipated some of those arguments myself in my first speech, and I am perfectly prepared to admit that one of the objects of my Resolution is to speed up the process of Indianization, and I would say this with a full sense of responsibility that one of the objects of the elimination of the Viceroy's commissioned officer is to retard the process of Indianization. Sir, we have been told that an endeavour is being made to copy the latest European models. Well, it is no use talking of European models. We have an army of occupation here and that army of occupation creates certain problems. There is time, there is tradition in favour of the present system. The onus, the burden of showing that there is something wrong or defective in the present system is on the army authorities. I do not

think they have said anything to indicate that it was absolutely necessary in the interests of efficiency to do away with the Viceroy's commission. We have been told that the Viceroy's commissioned officers are the backbone of the Indian Army. Well, you are breaking that backbone of the Indian Army. You are not fair to the privates, to the soldiers who will join the ranks in these Indianized units.

I was glad, Sir, to find support from a quarter from which we do not ordinarily get support. The Honourable Mr. Padshah supported me. Of course I know that the Honourable Sir Nasarvanji Choksy, with his pathetic belief in the infallibility of the expert and His Excellency the Commander-in-Chief, was not prepared to support me. I was not surprised. Probably when I reach his stage of life myself I shall also believe in the infallibility of the expert. So far as my brave-hearted friend Mr. Mehrotra is concerned, he is always prepared to support lost causes, and I was not therefore surprised at receiving support from him.

Sir, with these words, I will ask the House to accept the Resolution.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, on behalf of Government I wish now to take this opportunity of winding up the debate and placing before the House what is the correct view to adopt as to the Resolution before the House, and also to point out to what extent we have really talked about the Resolution which is before the House and to what extent we have indulged in discussing matters which are of very great importance, on which very reasonably and very rightly different opinions can be held, which are very interesting to discuss, but which are not now before the House. It has been said in the concluding part of the Honourable mover's speech that the scheme for the abolition of the Viceroy's commissioned officers is being insisted upon by the authorities with the sole object of retarding Indianization. I believe I am not misrepresenting him ?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : No.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : That is a very dangerous statement to make, be it by an old or a new Member. That is ascribing a definite motive for an extremely important measure of policy.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : It would have in any case that effect.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then, if one were entering into a debate on the point, would it be unreasonable to say that you have not got the slightest regard for that class of officer, the Viceroy's commissioned officer, but really you are aiming at speeding up Indianization, irrespective of everything. You are using this unfortunate class simply as a make-believe. You talk of their services in the war. What do you know of them ? Surely it is the people who have better opportunities of knowing their services and appreciating them who can be relied on to say whether they have done well or ill ? They in fact agree with you that they have done well. But for you to use that argument with the sole object, not mind you of doing them good, but with the sole object of carrying on what you say is your ulterior

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object, is it right to do so? I consider, Sir, that it would not be right on my part to attribute this motive to the Honourable Members opposite.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: If they have done well why abolish them?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I think the Honourable Member had better resume his seat. It is not easy to find in his long speeches that amount of logic and argument which one would expect to find in them.

Sir, I just want to emphasise the fact that we on our part do not wish to attribute this motive to the Honourable Members opposite, that they are using the Viceroy's commissioned officers just as a sort of stalking horse in order to get something quite different.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I did not attribute it; it is the Treasury benches. His Excellency said that we indulge in irresponsible criticism; that we are not honest in our criticism.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Neither that. His Excellency never said that.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: There was no doubt on that.

THE HONOURABLE MR. P. C. D. CHARI: There was no doubt about that.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I say this is not the right thing to do. Whether the particular scheme of Indianization is right or not is a matter of controversy and everyone of us is entitled to maintain his own opinion. But after all, the opinion that I entertain or the opinion that the Leader of the Opposition entertains, whatever its worth may be, it is the opinion of a layman. I lay no claim to be an expert on the subject because of my ancestry, nor can the Leader of the Opposition because he belongs to the Punjab claim that he represents the martial classes. There are many other classes. Honourable Members have gone entirely wrong when they say that Government does not want discussion, that Government does not want debate, that Government does not want advice, that Government hates criticism. Nothing is farther from the truth than this allegation. If I were to give in detail the history of Government's efforts at inviting criticism on this important point, it would take me a very long time indeed, but I will only give you the recent history. In the year 1931 before Government accepted the Dehra Dun scheme, Government wanted a committee and Government appointed to that committee some of the gentlemen the Honourable mover himself mentioned saying they were the men whose opinion in India on army matters counted. I believe Sir Abdur Rahim was a member; I believe Sir Sivaswamy Aiyer was a member and there were other members who could speak with authority on the question we are discussing today, namely, the Viceroy's commissioned officers. From the Punjab Rao Bahadur Chaudhri Chhotu Ram was a member. What did they do? Have Honourable Members read their report?

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU: I have read every single report, Sir.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Is there an argument adduced today which has not found place in some noe it or other of that Committee? No. Exactly that is what I expected. Is it to be alleged that the Chairman of the Committee, His Excellency the Commander-in-Chief, was not fully cognizant of every bit of argument, one way or the other, that has been urged in the past and has been urged today, before him? To say that he does not care is not correct. What is the unfortunate man to do? He has listened to everyone of these arguments at least a dozen times during the last three or four years; he has thought over them and arrived at a decision. Well, he arrived at a decision. Let me say that that decision may be wrong. He says, and many on this side agree with him, that he is right. Do you want him to tell you, in spite of that, every time the question comes up that he has kept an open mind and that he has not already decided the matter, and arrived at a decision three years ago? If you admit that having all the arguments that have been adduced during the present debate before him——

THE HONOURABLE MR. P. C. D. CHARI: Having brushed aside all those arguments.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That, I may tell the Honourable Mr. Chari, is a matter of opinion. Everyone of us, most of us have great faith in our own opinions. We also see that there are two persons to a controversy, each urging against the other that he brushes aside his arguments. Therefore to say that he has brushed them aside, either he did not understand or did not consider them worth very much. You take it for granted that one will fail to understand your argument. Your arguments must have been extremely subtle if they escaped the grasp of the Secretariat. I assure you that we are provided with a Secretariat whose intelligence refuses to let any argument pass unnoticed. Even if there is no force or sense in an argument, they get hold of it, they examine it so minutely that even if there is a shadow of sense anywhere in it they discover it.

THE HONOURABLE SAIYID RAZA ALI: May I enquire whether the decision to abolish the Viceroy's commission was taken after the publication of the report of the Committee, of which His Excellency was the Chairman?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That was one of the points that was debated in that Committee at very great length. So, Sir, it is obvious that my Honourable friends are not right when they think that Government or the Army Department or His Excellency the Commander-in-Chief do not want to listen to criticism. It is not that; we welcome criticism. They take criticisms into account before arriving at a decision. Surely, my Honourable friends opposite could not expect anyone to hold the post of Member or Commander-in-Chief or Governor who is incapable of arriving at a decision after the whole case has been presented to him or whose mind is always in such a fluid condition that every time a Resolution is moved on a subject which has been under discussion for several years he is always in doubt. Honourable Members forget that certain issues were live issues, were hotly dis-

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cussed and at that time no Honourable Member of this Council thought of bringing them to the notice of the Council. If the Honourable Mr. Sapru had been a Member of this House, three years ago, he might have in 1931 raised a debate on that question. Then that debate would have been a live debate; the matter was just then being hotly discussed; no final conclusions had been arrived at and Government would have been able then to really take a live interest in it. The thing was discussed in 1931, 1932 and 1933. The Honourable mover brings it up again in 1934. It is not his fault. He was not a Member; that was the fault of somebody else. You cannot complain against His Excellency the Commander-in-Chief if he says it is a dead thing. It is dead, because it was killed in 1931. It is not his fault. You could not have

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THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The Central Legislature had no hand whatsoever in the matter.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That is not the point. The point is the Honourable the Leader of the Opposition could have done three years ago what his follower the Honourable Mr. Sapru has done during the current session.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: He had no knowledge.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Leader of the Opposition of this Honourable House says he had no knowledge of the subject-matter of the debate of today three years ago. Well, if the Leader of the Opposition means to convey that he was ignorant of this controversy, he will make the Progressive Party a by word for ignorance. It is a very poor excuse, and I trust I have failed to understand him? It is best not to make such excuses.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What I meant was that that subject was not referred to this House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The constitutional position is that every matter of public interest comes within the cognizance of this House as soon as any Honourable Member chooses under the Rules and Standing Orders to bring it to the House. There is no other way of bringing it to this House; and who could know it better?

THE HONOURABLE SAIYID RAZA ALI: May I take it that this Report of the Committee which was presided over by His Excellency the Commander-in-Chief was published?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Well, there again you unfortunately for some years absented yourself from this House. That is not Government's fault. Government tried its best to bring you back but could not do so earlier because another Honourable Member from the United Provinces was keeping this place.

1 P.M.

THE HONOURABLE SAIYID RAZA ALI: That was not my question.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: So, Sir, what we have is this, that here we are trying seriously to discuss a matter which was really a live matter three or four years ago. Now you can put a lot of sentiment into it and a lot of eloquence and everything else that you like, but you cannot make it out to be a live issue today.

THE HONOURABLE MR. P. C. D. CHARI: In other words, it is a settled fact?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Was the Honourable Member ever in doubt on that point? That again shows that what is really needed is a really good library. You Mr. Chari also were away for three or four years. Now, all these gentlemen are most anxious to obtain information. Well, you cannot pick up in one session what you missed in three or four years.

Now, Sir, I assure you that we on this side claim no more responsibility in the discharge of our duty than what is claimed by the Honourable Members opposite in the discharge of their duties. What we want them to realise is that, while on them devolves the responsibility of representing their electorates, on us devolves full responsibility, firstly, to take into consideration all the criticism that they make and I have not the slightest doubt they are made with the very best of intentions, and secondly, on us devolves the responsibility of arriving at a decision. We receive advice from various quarters, but not all equally responsible. There are quarters that could not claim to be responsible, but it is invidious to make distinctions. On us, as I say, devolves the further responsibility of arriving at a decision in the presence of the conflicting advices which we receive, our own experience, our own knowledge, but, believe me, we are actuated but by one desire, and that is to arrive at a satisfactory solution. We may not always succeed,—who ever does?—but the desire to arrive at a satisfactory solution is always there. Even in matters connected with this difficult question of Indianization, Members of Government have held different and divergent views as to the best method. Indian public men have also held divergent views. But if Government as a whole is to arrive at a decision somebody must give way and even if the decision arrived at is not in conformity with his individual opinion the thing would not work unless he subordinated his individual opinion to the united convictions of the rest. This matter was discussed here. Government asked for notice and got it. All of us are responsible to some one. If the Government of India is responsible to you to a certain extent, you are responsible to your constituencies. The position of His Excellency the Commander-in-Chief is one of very great responsibility. If he, after taking into consideration all the possible criticism, comes to the conclusion that in the completely Indianized units there should be no Viceroy's commissioned officers and that warrant officers should be there, even if I disagree with him entirely, as long as he is the Commander-in-Chief of India, his view must prevail, and having given him your advice you cannot but submit to him. That is a view I wish to place before the Council. The issue before the Council is an extremely limited one. Should in the new scheme of things Viceroy's commissioned officers exist or not? The decision arrived at by Government is that they should not. You may feel that you have certain considerations that ought to weigh with Government. Well, those considerations have been before the minds of the military authorities and keeping them in view they have arrived

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at that decision. It is not up to us to say that that decision must be upset as long as we are not prepared to say that all those who are responsible for that decision must give way to us or they can go home and we will get another set of people who will carry out our wishes. That, Sir, may come some day, when somebody corresponding to Mr. Haldane as the Honourable mover said is Secretary of State for War in India but today I trust, without spending any more time on the Resolution, in view of this aspect of the discussion, it would be best to record a unanimous decision on this point. The debate has revived the old controversy, and shown that these are matters on which feelings run high. Should we not leave it at that ? It is no use trying to express the opinion of the House, and a division if I may venture to point out would be particularly inappropriate in the circumstances. Mind you, not that I fear that there is any danger whatsoever of the Resolution scraping through. (Applause.)

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council that Viceroy's commissions in the Indianized units of the army should not be abolished."

The Question is:

"That this Resolution be adopted."

The Council divided:

AYES—11.

Banerjee, the Honourable Mr. Jagadish Chandra.	Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.
Chari, the Honourable Mr. P. C. D.	Padshah Sahib Bahadur, the Honourable Saiyid Mohamed.
Gounder, the Honourable Mr. V. C. Vellingiri.	Ram Saran Das, the Honourable Rai Bahadur Lala.
Halim, the Honourable Khan Bahadur Hafiz Muhammad.	Sapru, the Honourable Pandit Prakash Narain.
Hossain Imam, the Honourable Mr.	Suhrawardy, the Honourable Mr. Mahmood.
Kalikar, the Honourable Mr. Vinayak Vithal.	

NOES—25.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.	Mitchell, the Honourable Mr. D. G.
Charanjit Singh, the Honourable Raja.	Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.	Parsons, the Honourable Sir Alan.
Commander-in-Chief, His Excellency the.	Philip, the Honourable Mr. C. L.
Crosthwaite, the Honourable Mr. H. S.	Raghunandan Prasad Singh, the Honourable Raja.
Devadoss, the Honourable Sir David.	Ray of Dinajpur, the Honourable Maharaja Jagadish Nath.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.	Russell, the Honourable Sir Guthrie.
Gladstone, the Honourable Mr. S. D.	Spence, the Honourable Mr. G. H.
Glass, the Honourable Mr. J. B.	Stewart, the Honourable Mr. F. W.
Hallett, the Honourable Mr. M. G.	Stewart, the Honourable Mr. T. A.
Hidayatallah, the Honourable Sir Ghulam Husain.	Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.	Wingate, the Honourable Mr. R. E. L.
Miller, the Honourable Mr. E.	

The Motion was negatived.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

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

RESOLUTION *RE* INELIGIBILITY FOR SERVICE UNDER THE CROWN, AFTER RETIREMENT, OF PRESIDENTS OF LEGISLATURES, ETC.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to move:

"That this Council recommends to the Governor General in Council that immediate steps be taken to declare ineligible for service under the Crown, after their retirement, Presidents of Legislatures, Central and Provincial, Judges of High Courts, Members of the Public Service Commission, the Tariff Board and Ministers in the Provinces."

With your permission, Sir, I wish to take out the words "and the Railway Board" from the last line of the Resolution as printed.

(The Honourable the President assented.)

Sir, the Resolution which I have moved is part of a general scheme of removing temptation from trustees of public and high officials. This Resolution simply wishes that a sort of convention, if not a law, to this effect should come into being by the action of Government. It is well known that there are certain posts the holders of which are not in the ordinary sense of the word Government officials. For instance, Presidents of Legislatures are elected by official and non-official members. They are the custodians of the honour and privileges of their respective Houses. It is therefore desirable that they should be, like Cæsar's wife, above suspicion, and no action which can in any way be thought to interfere with their impartiality ought to be permitted. I do not wish to insinuate by any sort of reference or innuendo, that Indian people who have held the high posts of Presidents of Legislatures have been won over. But even if we admit that such cases have not come into existence so far, it is quite possible that in the future some Governments may not be so scrupulous as the governments of the present day. In making this statement, Sir, I take into full consideration the fact that in the new constitution the official bloc in the Provincial and Central Legislatures will be removed. The exigencies of party politics may demand that a President of a Legislature should be amenable to the party in power. In England, although there is no rule, the Convention is that the seniormost member of the House is usually elected Speaker of the Commons. In the Lords, the Lord Chancellor by virtue of his office is the President. We neither have definite rules nor conventions which are safeguards in the English Parliament. It seems to me to be a step in the right direction to make these people ineligible for service under the Crown. The next set of people are the Judges of High Courts. They being the highest Tribunal of justice in India ought not to be subject to temptations of any kind. I would have gone further and said that they should not be given titles, or if they are going to be given titles, they should be given as a matter of course.

THE HONOURABLE THE PRESIDENT: Order, order. Please do not go into the question of titles. You had given notice of a Resolution and it has been disallowed by the Governor General.

THE HONOURABLE MR. HOSSAIN IMAM: I will not mention titles. I will take the more deliberate path, service under the Crown. There have been instances in which even serving High Court judges and retired High Court judges have been invited to hold executive positions. That is interference in the judicial world which does not prove any good. In the third category of mine come members of the Public Service Commission. They are in a class by themselves. They have to hear appeals of all the service men who are aggrieved by the actions of the executive Government. If they are open to temptations of preferment through the pleasure of the executive, they will not be able to do justice to service men. Sir, it would not be an innovation. May I remind the House that in Madras the members of the Public Service Commission are ineligible for any other service in the Provincial Government ?

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non Official: What does that mean, service in the Provincial Government ?

THE HONOURABLE MR. HOSSAIN IMAM: As that service is in the Provincial Service, they have debarred them from any service under the Provincial Government. And as I am asking the Government of India to take the step, they being the central authority, I have asked that the members of the Public Service Commission should not be eligible for any service under the Crown.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians). In Madras they can go on till they are 60. They are not appointed for a few years.

THE HONOURABLE MR. HOSSAIN IMAM: That is for the Government to decide. If they find that the present rule of recruitment for the Public Service Commission is wrong, they ought to have men on a permanent basis. I am not concerned with that. My concern is that they should not be open to temptation from the executive. I come to the last category, Ministers in the provinces and——

THE HONOURABLE SAIYID RAZA ALI: What about members of the Tariff Board ?

THE HONOURABLE MR. HOSSAIN IMAM: I am thankful to the Honourable Member. Members of the Tariff Board. Formerly it used to be a part of the Government policy to send to the Tariff Board some of the officials of the Government. Even now there is at least one member of the Tariff Board who belongs to the Indian Civil Service. His services have been lent to the Tariff Board for the time being. Indian Civil Service officials of the Government would not come under the purview of my Resolution. Men who are appointed to the Tariff Board as such would be under the scope of my Resolution. They should not look up to the executive for any preferment. The Tariff Board has got to discharge a very onerous duty and they function not only as an expert body but also as judges, therefore they also ought to be above temptation.

Now, Sir, I come to the last, but not the least category, the Ministers in the provinces. Ministers are there because they are supposed to have the confidence of the House and because they are placed in charge of transferred subjects in which Provincial Legislatures have been given final powers. The

way in which Ministers have proved themselves amenable to official favour is to say the least scandalous.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): And not non-official pressure ?

THE HONOURABLE MR. HOSSAIN IMAM: Sir, there are Ministers whose services have not been recognised by the Crown even after their full term of office had been served; and similarly there are executive councillors who have come out of the Executive Council as they went in, without any embellishments from Government, but those are honourable exceptions. Most of the Ministers have made the period of office an occasion to be at the beck and call of the executive head and therefore have not discharged the confidence of the public, and this is because they think that by their action they will be making themselves eligible for further preferment in the shape of appointments.

THE HONOURABLE THE PRESIDENT: And yet you are asking for reforms, under which the entire Government will be of Ministers ?

THE HONOURABLE MR. HOSSAIN IMAM: Then there will be no preferment in the hands of the executive as the executive will be elected representatives of the people and no outside body will be bossing us. I do say that Ministers should not be appointed Executive Councillors. I say they should not look forward to any preferment from the executive. They should always rely on those who have sent them to the Councils, those who have pushed them forward to the Government benches; they should learn to rely on their own kith and kin, their own non-official brethren, to their own group and on account of whom they got preferment. But they forget this when they cross the floor, and begin to regard themselves as part and parcel of the foreign oligarchy which is ruling; I want this mentality to be wiped out and swept clean from the slate.

My reason for bringing forward this Resolution is for purity of administration. If I am convinced that purity of public life can be maintained even though all these prizes are hanging before them, I will withdraw the Resolution; otherwise I will press it.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa: Non-Muhammadan): Sir, at the outset I must say that I do not subscribe to the views of my Honourable friend the mover of the Resolution. It is an accepted principle in all administrations to bring in as much of the experienced heads into the folds of the Government as possible in order to get the fullest advantage of such experienced men. Now let us examine what the Resolution demands. It recommends that persons, who have attained positions like those of the Presidents of the Legislatures, Judgships of High Courts, Memberships of the Public Services Commission, and various other allied positions, mentioned in the Resolution, should be declared ineligible for Government service after they retire. In this connection there are two very important points to be considered. The first question I would like to ask my Honourable friend the mover is, who are the persons who hold all these positions, retirement from which would make them ineligible for service under the Crown. The men who attain these positions are men of the highest calibre with very high intellectual qualifications. Now,

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[Raja Raghunandan Prasad Singh.]

year after year, if all these men of erudition and learning, experienced in the different branches of administration, are to be excluded from services under the Crown, then I would ask the House, as to who are the persons to be selected for posts with heavy burden of responsibilities, which require mature and cooler judgment ? The next point I would like to put before the House is, that the Resolution lays down that persons holding certain positions should be made ineligible for service under the Crown after their retirement. Sir, a man generally retires from a post when he performs his duties to the entire satisfaction, not only of the Government, but also of the public, because most of those appointments named in the Resolution are tenure appointments. If the persons holding such appointments could not have discharged their duties admirably well, there would have been a hue and cry in the press and on the platform for the removal of such persons, or for not giving any further extensions after their usual period of service. Had the Resolution been worded in such a way as to exclude only such persons from higher appointments under the Crown, who have either been discharged or degraded or removed by votes of the Legislatures or against whom there have been consistent public criticisms then there would have been some force in declaring those persons ineligible for service under the Crown. But, Sir, I am surprised to find that the Resolution recommends the exclusion of a most deserving set of people from further service under the Crown only because they, by virtue of their merit, attained certain positions.

Last but not the least important point is the implication of the Resolution I make a most emphatic protest against the implication that probably for furthering their own self-aggrandisement, men who are holding such high positions as Presidents of Legislatures would probably sell the cause of their country. Sir, if they do so, then the blame is neither on the persons, nor on the Government, but on the people through whose suffrage they attained those positions. It will not be out of place here if I say that the Honourable mover has made an omission in the list mentioned in the Resolution. I mean that he should have included non-official elected Members who should also be declared ineligible for service under the Crown, as there is a chance of the intelligent section of the non-officials voting on the wrong side of a question for getting services under the Crown. I ask my Honourable friends whether they would agree to such a proposal ? I know they will not, as I myself cannot agree to such a demand because the non-official elected men are supposed to be the best and most suitable persons available in the country, on whom the country could repose trust. Had not the people of this country confidence in us, we would not have been sitting in this House or the other. On the contrary, I claim that the non-official elected Members, who are the representatives of the people, are the best men to be selected for higher services under the Crown as are the persons who have attained those positions mentioned in the Resolution. For all these considerations, I for one cannot agree to the recommendations embodied in the Resolution and I oppose the Resolution as emphatically as is possible for an elected representative in this House to do.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : May I, Sir, ask if the Honourable mover has any objection to a slight amendment ?

After the word " Presidents " in the second line add the words " and Members ". (Laughter.)

THE HONOURABLE MR. HOSSAIN IMAM : Yes, Sir, I am ready to have it. Will the Government accept it ?

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, this Resolution was wide enough in its terms when it started. It is now even wider if the suggestion of the Honourable the Leader of the House is accepted. It is what I call an omnibus Resolution. An omnibus Resolution has to be examined with some considerable care, possibly more care than the Honourable mover of the Resolution has given to the questions which arise. We have got to consider what would be the effect of accepting this. Two point , I think, may be urged against him. The first is that it is unduly restricting our field of choice in some of the most important posts under the administration. I will deal with this point in greater detail when I examine the terms of the Resolution. The second point—and that is one on which I feel very strongly—is that it shows a very unmerited distrust of our public leaders in India—people who have held high posts and people who will in future hold high posts. The Honourable mover appears to regard it as a settled fact that if a person gets into a high post he uses that post for the purpose of feathering his nest, for getting a higher post on some future occasion. That, Sir, I think the House will agree with me, is entirely unjustified and entirely unfounded. He then went on to make attacks upon Ministers who have held office under the Crown during the present constitution. Sir, I have had considerable experience of Ministers, as the Honourable Member knows, in his own province. I served for three or four years under both the Ministers there ; I have seen their work. I was also Secretary on the Reserved side of the Government, so I think I can claim to know something of the work of Ministers and of the inside working of a Provincial Government and that experience of the inside working of a Provincial Government has shown me that a charge of that kind is clearly unjustified and unfounded. There may be many others in this Council who have even better experience than I have on that point, and who will agree with me that is a charge which has to be emphatically repudiated.

Now, Sir, having dealt with that point, I would go on to some incorrect statements of fact which he made. He said, for example, that in England the Speaker of the House of Commons and the Lord Chancellor in the House of Lords have never held any high office after their retirement from office. I would ask him, was not Lord Birkenhead first Lord Chancellor and subsequently Secretary of State for India ? Was not Mr. Whitley the Chairman of the Royal Commission on Labour after he had been Speaker of the House of Commons ? Did not they hold office under the Crown after they had held those two high offices of the two legislative bodies in England ? That is a fact which he has possibly overlooked or forgotten. (*An Honourable Member* : "Lord Hailsham.") There are probably many more. The Honourable Member has omitted the reference to the Railway Board. I am sorry for that because I would have liked to make capital out of that by referring to the fact that my Honourable friend on my right would not be here if this rule had prevailed, and that in the case of another friend on my right we should be deprived of his services at an unduly early date, if the rule came into force.

[Mr. M. G. Hallett.]

Now, Sir, to turn to other public offices to which he has referred—he referred to the case of High Court judges. I admit the High Court is the highest court of judicature in India. But there is a higher court than that. There is the Privy Council. That is also under the Crown and, as perhaps Honourable Members are fully aware, it frequently happens that a judge who has to retire after long service on the High Court is promoted or transferred to that further high appointment under the Crown as a Member of the Privy Council. Instances will at once occur to all Members of this House. That is an office under the Crown. In fact, the Act under which the Judicial Committee of the Privy Council is constituted definitely provides for appointments of that nature. I would refer to another point, and that is, that under the new constitution—not the present constitution—it is proposed, as Honourable Members are no doubt aware, to constitute a Federal Court in India. One of the qualifications for appointment to that Court is that persons must have been for at least five years a judge of a Chartered High Court or for at least five years a judge of a State Court in India. It is contemplated to take the best brains of the High Courts of the provinces and put them into the Federal Court. If a Supreme Court is, as suggested in the White Paper, ultimately constituted, I have no doubt that appointments to it will be made in the same way. I can quote other examples of distinguished judges having held high offices under the Crown. The gentleman who was Chief Justice in the province from which I and the Honourable Member come after vacating that post for a long time held office in the India Office—I mean Sir Edward Chamier. There have been numerous other cases of the same kind. It is obviously to the good that for these high appointments under the Crown we should get the best material available, that we should select our people with care from a wide circle and thereby improve the quality of the courts to which they are appointed.

I do not know whether the Honourable Member wishes to bar people who have held temporary appointments in a High Court. That would obviously make the position still more difficult. Many members of my own Service would naturally be reluctant to take up temporary appointments in a High Court if they knew it was to be the end of their career. He has used the word " retired ". I am not quite certain exactly what the Honourable Member means.

THE HONOURABLE MR. HOSSAIN IMAM : I mean only permanent appointments.

THE HONOURABLE MR. M. G. HALLETT : Very well, then I will drop that point. I will merely say that if he had referred also to temporary appointments, it would have reduced this Resolution to a *reductio ad absurdum*.

The Railway Board have now been left out. The Tariff Board has been briefly referred to. But I understand appointments to that Board are all purely temporary appointments, and that being so, the Tariff Board also will be ruled out, because the Honourable Member has just said that he only referred to permanent appointments. An officer of the Indian Civil Service is put on for a short period and two or three non-officials are, I understand,

associated with him. The Tariff Board is usually an *ad hoc* appointment, or at any rate an appointment which does not last more than two or three years.

Now, Sir, I come down to the question of the Public Service Commission. In the case of the chairman—not in the case of the members—I admit we have a case where, under the existing law, further service under the Crown is barred. The matter has been discussed at various times. There is considerable difference of opinion as to whether we should bar members of the Commission from further appointments or whether we should have a wide field and select the best people who are available. The Honourable Member referred to the fact that in Madras, members of the Public Service Commission are barred from further appointments except on another Public Service Commission. That is a fact. But, Sir, if he has studied the White Paper, he will find that they have left the question open, because there is the wide difference of opinion to which I have referred. The question has been taken up at various times and the Local Governments are not agreed on the point. Some think it is desirable to bar further appointments and some think it will limit the choice and make it difficult to find suitable people for these appointments. In view of that, the recommendation contained in the proposals in the White Paper is that the matter should be left to be regulated in the future by regulations made by the Governor. They can provide that members of these Commissions shall not be re-appointed, or that they shall not be re-appointed for a period of years, or that they shall be eligible for further appointments. I am personally in favour of the last alternative for we have to secure the best material available for the Public Service Commission which will exist both in the provinces and at the centre, as at present.

I will now briefly refer to Ministers. I have already repudiated the attack made on Ministers. I think there is no doubt that the Ministers who have risen to higher offices are exceptionally able people, exceptionally well fitted for these higher posts.

The Honourable Member then referred to Presidents of the Legislative Assembly and the Council of State, and of the Provincial Councils. There has been an instance in his own province where the President of the Council has been subsequently appointed to the High Court. The appointment to which I am referring occurred in Bihar and Orissa. I think he will admit that was a very excellent appointment, and that the officer selected fully justified the confidence that was shown in him by selecting him for this appointment after holding the post of President of the Council. There have been other instances in other provinces which are, I believe, well known to other Members of this House. It would be absurd in my opinion to bar people who have held these posts from holding any further appointment under the Crown. It would, it is true, widen our field in one sense. We will get more people to hold these posts, but we shall not get such experienced people, or people who have been so trustworthy and experienced as those who now rise to these high posts. The principle underlying the Resolution is not a principle which is followed in any other country. In England, we frequently see a Minister holding various further posts under the Crown. There are numerous examples from the history of India. Viceroys have gone home and held posts of Cabinet Ministers, almost every retired Viceroy has in fact held some further post under the

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Crown. If we follow the advice of the Honourable Member, those also, I presume, will have to be barred from any further employment. I need not say more; I do not think, Sir, that this Resolution, even with the amendment which has been proposed by the Honourable the Leader of the House, has anything to commend it, and I trust it will be unanimously rejected by the House.

*THE HONOURABLE MR. HOSSAIN IMAM: Sir, I wish to say only a few words. When I moved this Resolution, I quite realised that all these objections would be put forward. But I thought that 35 crores of people were sufficiently wide enough for Government to select from. The real reason why Government do not go beyond the selected few was stated by the Honourable the Home Secretary in the end. It is because it was not possible to get trustworthy men, people who are trustworthy from the point of view of the executive. It is that which is our main objection to this selection which has been so far made by the Government. I need not go into that in detail. There are so many other Resolutions to come up. The Honourable the Home Secretary drew pointed attention of the House to an appointment which was recently made on the Bench of the High Court of my province, and there I agree with him entirely that the selection was in no way unjustified. With regard to Presidents. I would like to name some, but I do not wish to drag them into the mire. As far as the Judicial Committee of the Privy Council is concerned, that is really not a preferment. It is the same appointment, I should say. It does not mean that preferment is being conferred on them. A man who has been in the High Court for some years may be made the Chief Justice. That is also an office under the Crown, but that office, Sir, is given by way of promotion, and the same applies in the case of an appointment to the Judicial Committee of the Privy Council. It does not mean a new appointment. And if that is the only difficulty, it can be met. But the central point of my argument was that there should be nothing in the way of a prize conferred by the executive on these people. Therefore, Sir, I do not see my way to withdrawing this Resolution.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council that immediate steps be taken to declare ineligible for service under the Crown, after their retirement, Presidents of Legislatures, Central and Provincial, Judges of High Courts, Members of the Public Service Commission, the Tariff Board and Ministers in the Provinces."

The Question is:

"That that Resolution be adopted."

The Motion was negatived.

RESOLUTION *RE* PENSIONS OF INFERIOR SERVANTS SERVING UNDER THE GOVERNMENT OF INDIA.

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 the inferior servants in the departments under the control of the Central Government be made eligible for pension equal to half their emoluments as defined in the Civil Service Regulations."

* Speech not corrected by the Honourable Member.

Sir, the subject-matter of the Resolution has never before been brought in the Indian Legislature for discussion though it deals with a subject in no way less important than the one discussed by this House regarding the introduction of the system of provident fund for a class of Government servants in lieu of half pension to which they are entitled at present.

Sir, I admit that the question before the House is a very thorny one. The inferior servants of the Government of India are scattered alll over India and their pay, pensions and allowances are more or less guided according to the pay, pensions and allowances of similar classes of Government servants serving under the Provincial Governments. I admit that this argument is more logical as the same class of Government employees posted in a particular province, whether serving under the Government of India or the Provincial Government, must be guided by the same conditions applicable to all alike. But that is not the only consideration which should weigh with the Government of India. I think the first and foremost argument that Government will bring forward will be that these questions cannot be decided piecemeal. It requires concerted action with the Local Governments. It requires consultation with them as to whether they are also prepared to consider it favourably or whether they are prepared to bear the extra burden to be thrown on their resources if such a concession is granted to inferior servants. But, at the same time, Sir, I may make it clear that I do not like to be caught in that very trap in which the proposal of the Honourable Mr. Khaparde, regarding the introduction of a system of provident fund in lieu of pension was entangled and subsequently killed. I cannot help making a passing remark that the Proposal brought forward by the Honourable Mr. Khaparde was also a most deserving one. I confess that the Government of India was more or less favourably disposed to that proposal and even went so far as to make a cut and dried scheme but unfortunately when the scheme was brought before the Provincial Governments they refused to grant the concession as involving extra expenditure, and the Government of India had to drop the proposal altogether according to the decision of the Provincial Governments. I, therefore, do not like the same fate to befall this Resolution of mine. I take the position that if the Government of India think that the case of these inferior servants is really hard, and if the House is also convinced that the cases of these inferior servants in not getting half pension is really a hardship on them, I would ask the House and the Government of India to go ahead with this concession whether Local Governments agree or not.

Sir, it is always difficult to make a beginning but once we, in the Government of India, take this step forward today, I am positive that the time would not be far distant when Provincial Governments would try their level best to fall into line with us in this matter.

Now, Sir, I come to the real picture of the hard lot of these inferior servants which I hope will move even the most hard-hearted amongst men. Sir, these men generally enter service, say, on a monthly salary of Rs. 10 or Rs. 12 when boys. They give the best part of their lives in Government service and when they attain the age of 60, they are allowed a petty pension of Rs. 6 a month. By loyally serving Government for about half a century, at the time when an inferior servant becomes practically an invalid, he is allowed a pension of

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Rs. 6 a month to feed himself and his wife, leaving aside the question of any other dependents of theirs. I would ask the House to imagine the picture of two living human beings being fed by Government with Rs. 6 a month. This does not do credit to my country nor to the Government of this country. I would even go further and ask is it possible even to feed two cows on Rs. 6 a month ? Do these loyal Government servants after their long and faithful service deserve to be treated even worse than cattle. I know that Government have got as much sympathy as ourselves on this Resolution. Sir, I do not and cannot blame the Government alone for not taking the initiative earlier in the matter because we ourselves are as much to be blamed for not bringing the matter earlier to the Government's attention.

Then, Sir, I come to the question whether these inferior servants could lay by sufficiently during their service to sustain them after pension ? I would ask my Honourable friends in this House to imagine that a boy of ten or twelve entering service on a salary of Rs. 10 or Rs. 12 attains his maximum pay of Rs. 25 at the age of 35 or 40. By that time he has a family and children to support. How can any man on earth imagine that a man with a family and children getting a pay of Rs. 25 a month would be able to lay by anything out of his paltry pay after meeting all his necessaries. Practically speaking, they are underfed throughout their service and are starved after pension to death. Generation after generation these people are loyally serving Government, half-fed and dying of starvation at old age, due to an inadequate pension.

Now, Sir, Government may bring forward another very cogent argument that, if the Government of India grant such pension to their inferior servants, then there will be an invidious distinction between the inferior servants serving under a Provincial Government and those serving under the Government of India, when posted in the same province and in the same place. In order to meet this point I would like to inform the House that at present the Government of Bombay grant pension equal to half the emoluments of an inferior servant working under them. But there are several departments of the Government of India located in Bombay as, for example, the Income-tax Department, the Salt Excise Department, the Currency Offices, the Stores Department and several other offices, but the pity of it is that the inferior servant working under the Central Government in Bombay, is granted a pension of Rs. 6 whereas the inferior servant of the Government of Bombay, working in the same place and doing exactly identical work, is granted half pension on retirement. I wish to ask the Government of India whether the Government of Bombay denied the concession to their inferior servants only because other Local Governments have not extended the concession to their servants or because the Government of India did not grant the very concession to their servants.

I hope and trust that considering the suffering of this class of most loyal Government servants the House will unanimously accept the Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, the proposal embodied in the Resolution is purely and simply a humanitarian one. The hardships of these people

can better be imagined and felt than expressed in words. I ask the Honourable Members of this House to feel for themselves, how these men, whom we see all around in this very House in red liveries and khaki liveries serve the Government most faithfully and loyally yet are all throughout their service neglected by Government and pass their whole lives uncared, unhonoured and unsung. I will not be far from the truth if I say that but for the loyalty and ungrudging service of this class of Government servants, no administration can work smoothly and efficiently. They are not mere paraphernalia as they appear to be, but they are as necessary in the fabric of the Government structure as brick and mortar in building a house.

Sir, I have nothing to add to what has fallen from my Honourable friend Sardar Shri Jagannath Maharaj Pandit about their hard lot. As far as I know these inferior servants represented to Government times without number for the redress of their grievances but as usual with the bureaucracy, they only care to pamper the already pampered imperial services without paying any heed to the sufferings of these people. The system of bureaucratic administration is based on the principle of self-complacence. They care for the imperial services, not so much for sympathy with them, but because all bureaucrats care only for those who are most vocal and who can make their voices better heard through the Imperial Service Associations in London and through the Press in the United Kingdom. As these inferior servants are less educated and talented and less organized and less vocal the Government care for them the least, yet when service is concerned they make them work practically like slaves. I for one feel for the hard lot of these poor dumb but loyal Government servants and I am confident that the whole House as well feel for them as much. It is my firm belief that the Resolution should be accepted unanimously by the House.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, I can be as brief in replying to this Resolution as the Honourable mover was: for although for reasons which I will shortly explain I cannot accept it on behalf of Government, with the general contention and objective of the Honourable Member the Government of India are in complete agreement. I have made some researches into the origin of the present pension system of these inferior servants. The amount of the maximum permanent pension admissible to them is only Rs. 4, and as far as I have been able to ascertain that rate of pension was established when their pay as a whole averaged about Rs. 6 or Rs. 7 per month. Now,—again speaking of averages,—the average pay for these men at the time of retirement is about Rs. 20. In fact, Government have recognized that changed conditions have made it necessary to raise their pay very substantially. But their pensions remain at the same rate as before; and I do not think anybody will argue that that is adequate in present-day conditions. I should like to make that clear. Government recognise that it is desirable to make an appreciable increase in the pensionary terms of these inferior servants, for whom my Honourable friend has pleaded so eloquently.

Actually, Sir, we have in recent years done something in this direction. We have given them small increases of about Re. 1 or Rs. 2 a month, temporarily year by year, supposed to be dependent on the cost of living. The matter came before me, as it happened, last week when it appeared that the criterion on which

[Sir Alan Parsons.]

these increased payments are made, namely, the cost of living index, did not warrant their continuance : but we decided to continue them even though the condition on which they were originally given was not fulfilled. I merely say this to show that Government are in earnest in this matter; I do not for a moment claim that these small increases are sufficient as a permanent solution of the question.

Now, Sir, I am afraid I cannot accept the Resolution in the terms in which it stands. First, there is a minor point. I cannot undertake to say that Government when they revise these pensions will necessarily raise them to a half-pay standard. All I can say is that the Government of India consider that an appreciable increase in these pensions is justifiable. My second and really my main reason is this. First of all, each rupee added to pension would, on calculations I have made, cost about Rs. 1 lakh to Government and at present we are not in a position to increase our non-effective charges to this extent. But, quite apart from that, I think the Council will agree with me when I say that I do not think it would be right to improve the terms of service of existing incumbents in the service of the Government of India while existing incumbents in Government service have still not had restored to them their cut in pay. I think we must take the view that we cannot give better terms to people in Government service until we have restored to people in Government service what they have been deprived of. Those really are my main grounds for not accepting the Resolution. First, I do not think that at the moment we can afford it; the bill will be a fairly large one. Secondly, until the cut in pay has been restored I do not think it would be right to take steps to improve the conditions of people already in service.

That, Sir, is all I have to say. Though I am unable in so many words to accept my Honourable friend's Resolution, I am sure he will not put me to the unwelcome task of dividing the House against it; and actually I feel grateful to him for having moved it. For this is the last occasion on which I shall have the privilege of addressing this House and he has enabled me to use it in holding out some hope of an improvement in pensions to a body of men who in a humble sphere and on low wages give long and honest service to Government. (Applause.)

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Sir, I am very grateful to Government for the kind and sympathetic attitude shown by them to this most deserving case. I am also glad that some beginning has been made and I have therefore every hope that the Government will not any more shelve the question on the score of financial burden involved in the scheme.

Sir, I will be excused if, in this connection, I compare big things with small when I say that if the Secretary of State and the Government of India could retain the present scale of pay of the superior services in these days of financial stringency, and even when, on the same grounds, the scales of pay of all other services have been considerably reduced, I do not see any reason or justification as to how, in the case of these poor dumb sufferers, Government can any more resist their claims on the plea of examining the financial effect of their present proposals year after year, as expressed by the Honourable the Finance

Secretary. However, I sincerely hope that the Government would really and sincerely proceed further till the half pension is actually secured for these persons to mitigate their hardships.

Sir, I must say that the proposals adumbrated by Government still fall far short of the recommendation made in my Resolution but, at the same time, I must admit that I am not unmindful of the financial stress that may be thrown on the resources of the Government. But even then, I would say that necessity has no law. To my mind the meeting of this irresistible demand of these inferior servants is a necessity, and I would remind the House and the Government of the well-known proverb that "Where there is a will, there is a way". It applies all the more with thousand-fold force on the Government of India. If they could bear the brunt of such a heavy burden of army expenditure as 50 per cent. of the total revenues of India at a time when the Government of India's resources were under very great strain owing to world-wide depression, I would certainly be justified in claiming that if the Government of India will it, they can surely find out ways and means to give full effect to this recommendation. However, as some beginning has been made in the matter by Government and as I sincerely believe that Government will not relax their energies in the future for finding resources to meet this necessity, I beg leave of the House to withdraw my Resolution.

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

RESOLUTION *RE* FIVE-YEAR PLAN OF ECONOMIC DEVELOPMENT FOR INDIA.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I beg to move :

"That this Council recommends to the Governor General in Council to set up a Committee of official experts and non-officials of both the Houses to draw up a five-year plan of economic development for India to give a lead to all provinces with special instructions to suggest ways and means for the betterment of the condition of the agriculturists—both tenants and zamindars—and to submit a report by the next session in Delhi."

Sir, the abnormal economic crisis is enough justification for me to bring this Resolution before the House. Even, Sir if there had not been such an economic crisis as there is at present, all the world over, the justification so far as India is concerned would be equally good. Sir, the House will remember that two Resolutions were moved in this connection during the course of a year. One was regarding agricultural development and the other about industry. This Resolution seeks to combine the two into one. Sir, it was on the 4th of September, 1933, that my Honourable colleague, Mr. Hossain Imam, moved a Resolution which ran as follows :

"That this Council recommends to the Governor General in Council to take immediate steps to better the condition of the agriculturists and to appoint a committee to find ways and means and to advise Government on this subject".

Sir, when my friend the Leader of the House got up to reply he expressed the greatest sympathy with the Resolution. He said :

"Sir, Government has the greatest possible sympathy with the object the Honourable mover of this Resolution has in view, and the Government has given expression to its views on the subject from time to time".

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

After these sympathetic words, he dealt with the Resolution in detail and said that the Government is already taking steps and those steps were in the way of calling for half-yearly reports from every province. This is what he said :

" Every year we issue a circular letter to Local Governments requesting them to survey the situation every half-year and keep us informed of it, and also to tell us what steps, if any, they have taken to ameliorate the conditions of poor agriculturists".

Sir, that circular letter to Provincial Governments was and is meant to find out the conditions prevailing in the different provinces and the methods adopted by them for meeting the situation. But in my Resolution I want that the Government of India should come forward to help and guide them in such a critical moment. Then, Sir, he could not see his way to accept the Resolution and in concluding his speech said :

" I have not the slightest doubt that the good sense of this House will say, " We want work ; work steadily, study local conditions and do the best you can under the circumstances and do not go in for shelving tactics by appointing a committee ".

Sir, there is no doubt that the Resolution, important as it was, was thrown out in the House and we cannot expect a better fate for any other Resolution moved from this side of the House, however good and beneficial it may be.

Then, Sir, I will refer to another Resolution moved by my Honourable colleague, Rai Bahadur Lala Jagdish Prasad. It was on the 12th March, 1934, that he moved a Resolution which ran as follows :

" That this Council recommends to the Governor General in Council (1) to undertake a thorough survey of the position of Indian industries including cottage industries and to collect statistics of existing industries, in order to find out the exact position as regards the industries pursued, the quantities and values of products manufactured, raw materials utilised, number of persons employed, wages paid, motive power used and other particulars usually collected in advanced countries ; (2) to place the results at the disposal of the public and to take other necessary steps to secure a rapid expansion of industries in the country ".

Sir, this was another Resolution which dealt with the industries of this country. This Resolution——

THE HONOURABLE THE PRESIDENT : Never mind that Resolution. Will you please deal with the Resolution before the House now ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Very well, Sir, I shall do as advised by you but I just wanted to show to the House the attitude taken up by the Government.

Sir, that Resolution was withdrawn on account of some assurances given by the Government for the committee to be appointed with two economic experts. Sir, another Resolution of a similar nature was moved by Mr. C. Y. Chintamani in the United Provinces Legislative Council and was discussed very thoroughly. The discussion went on for two continuous days. The Council agreed to that Resolution, although the Government expressed feelings of sympathy only. In reply to that Resolution, the Honourable Minister for Education said :

" Sir, the United Provinces, or for the matter of that, any province in India, is not able to do very much on its own in matters of this kind. Authority for the real remedies for economic depression rests with the Central Government ".

So, the reply of the Local Government is that such Resolutions are to be moved in the Central Legislature and that it is for the Government of India to find out the ways and means and to guide Local Governments.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : For economic depression ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Yes, for economic depression.

Sir, the Government may ask one very pertinent question whether this Government alone is not doing what I want in this Resolution, or whether other countries in the world are adopting those steps ? This is certainly a very important question, because the economic depression is not peculiar to India alone but prevails throughout the whole world. I would like, with your permission, to quote the steps taken by some of the important European countries to solve this problem. They are all aware of this crisis and they are doing their utmost to meet it bravely. I would refer in the first instance to Japan. We all know how Japan during the last few years has developed its industries to an extent that it has not only made itself self-contained, but is now dumping other countries for which their Governments have had to take steps. This development has happened in a very short time. Sir Henry Sharp, a former member of the Indian Educational Service, has written a book called *The Educational System of Japan*. In that book, he has very briefly narrated how Japan has tried to develop itself. He says that :

" In Japan the Government has tried to encourage old industries by model factories and by obtaining foreign experts. It has maintained model works and industrial laboratories. It has hired out the latest machines of a costly character. It has sent experts round the provinces to encourage enterprise by lectures or practical experiments. It has imported foreign experts by the hundred".

In this way, Japan has developed its condition. I will not go on quoting any further in order not to take up the time of the House at this late hour. We all know how Denmark has developed itself. The development of Denmark was based more on the co-operative spirit. If the same spirit is developed in India, I am sure it will solve much of the problems so far as the agriculturists are concerned. At present, the co-operative movement in India is stagnant. The House will remember that I have been moving resolution after resolution to draw the attention of the Government to this important development in the country. Sir, we all know how Russia has developed itself. In Russia, Sir, they drew up a five-year plan and worked so enthusiastically that they completed it in four years. We all know how Ireland has developed itself. They formed a Department called the Department of Agricultural and Technical Instruction. This was in charge of Sir Horace Plunkett. I know this name is familiar all the world over. He also worked on co-operative lines.

It is not only in India that we are demanding from the Government to take concentrated action and to draw up a five-year plan. Sir, I admit that the Government of India and the Local Governments have been doing something for the amelioration of the lot of the masses. I do admit they are doing something. But my point is that it is no use doing all these things in a haphazard way. One concentrated plan should be formed in consultation with the provinces for a limited period of years, say five or seven, and

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Government should see that that plan is worked out and the results are seen, whether they are good or not. The scheme that I have proposed in my Resolution is not a costly one. I do not want that commissions should be appointed to go throughout India and work for years and then produce a report. We all know, Sir, that very important commissions were appointed by the Government during the course of the last few years and they have submitted their reports. When I say this, I refer to the Royal Commission on Agriculture, to the Banking Enquiry Committee——

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Royal Commission on Labour?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes. That is so. I refer also to the Indian Economic Committee appointed in 1925. Then I refer also to the Economic Enquiry which was made by Messrs. Bowley and Robertson.

I refer to all these efforts made by the Government because I want the facts and figures collected in their reports to be placed before a committee of official experts and non-officials, together with representatives of all provinces, and that a concentrated plan should be chalked out for a limited period to work on regular lines. Sir, we know that the attention of Government at present is mostly confined to checking the terrorists and other subversive movements. But may I ask whether this economic depression is not one of the main reasons for this movement? If the Government formed such a plan to remove this economic depression and unemployment, I am sure the movement would die a natural death. In saying this, Sir, I am supported by His Excellency Sir John Anderson, the Governor of Bengal, than whom there is no better authority to suggest ways and means in this behalf, because Bengal is the seat of the terrorist movement. Sir, in a famous speech delivered at the St. Andrew's Dinner in Calcutta, he said:

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"Our population includes many very young men, the product of an educational system built up in better days, to whom life seems to hold out no hope. Our trouble is in the main not educational but economic. I have the greatest sympathy with the young men who have attained an educational standard in advance of that enjoyed by their parents and who in spite of that, or because of it, see no future before them. Hitherto it has been the Hindu who was most seriously affected by the problem of middle class unemployment, but as the country advances the Muslim will be more and more concerned. The solution of the problem will not brook delay".

Then further on he says:

"The province is not poor, either in natural resources or in man power, but there must I feel be some maladjustments somewhere in the system which keeps a vast agricultural population groaning under a load of debt, eking out a penurious existence, and yet in most districts for nearly nine months out of the twelve. That is of course putting the case very crudely and without qualifications which scientific analysis of the position would have to include".

Further on he says:

"We have examined various expedients that have been suggested here and in other provincial projects on debt consolidation, land mortgage banks and the development of the co-operative movement and so forth. On all these connected topics much valuable material has been collected and some weighty opinions have been expressed".

Then he deals with the plan and says exactly what I have urged. He says:

"These will not be separate and unconnected activities run by different sets of people without co-ordination or common purpose, but will be elements of a single plan".

That is what we want, a single plan, and all the activities in the provinces should be part and parcel of that plan. His Excellency Sir John Anderson therefore has given the same reason for checking the terrorist movement and I am sure that if such a plan for economic recovery and the removal of unemployment is adopted the terrorist movement will die a natural death.

So, Sir, in short the object of my Resolution is that all these materials which Government has so far made available should be put before such a representative committee and they should submit a report at an early date, on receipt of which the Government of India in co-operation with the Provincial Governments should chalk out a programme. (*An Honourable Member:* "The Members of the other House will be busy with the elections!") That does not matter much. But in any case this is very important work. This can be carried on without other activities. Surely the object of Government is not only to collect taxes, to pay high salaries to a particular class of officers, send people to jail who fight for the betterment of the lot of their down-trodden brethren, but to devise means for the betterment of the masses, to make the country rich and contented. The problem in India is the hungry masses, and the discontented classes, and that problem should be tackled by the Government even if they keep other things in the background.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support this Resolution. Some time back I had the privilege of raising this question here and I was told that as this matter was one which concerned the Provincial Councils so it had better be moved there. I am glad that my Honourable colleague Mr. Mehrotra has brought this matter again before the Council. Sir, he has gone thoroughly into the subject matter and left very little for me to say. But I want to impress upon the Government of India that in the present times of economic distress it is essential that we should organize and centralize our efforts in the direction of a five year plan. Such a plan has proved a success in Russia. There was anticipation in many countries that this big experiment would be an utter failure, but it proved a success and Russia have launched on another five year programme.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You are quite satisfied?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I am quite satisfied as to this being a fact. The Trade Agreement of which the Honourable Mr. Stewart has laid a copy in the Library shows how the Soviet after all succeeded in making Great Britain to agree to their trade demands. In India, and particularly in the Punjab, the cost of production of various agricultural produce is higher than what it is in many foreign countries. If we organize our efforts and have the same facilities of having cheap electricity and up to date appliances and in case the various units of landholders

[Rai Bahadur Lala Ram Saran Das.]

co operate, I think we shall be able to make our lot better and to make some saving for ourselves and some saving for the Government for meeting its revenue. In these days of depression and low prices, it is now a patent fact that the zamindar cannot even afford even to pay Government revenue and canal rates. Sir, in case the Government is serious enough to help agriculturists and to help the industry, they must move in the matter so that the time may not come when owing to the lower cost of production of agricultural produce, agricultural produce may be dumped from foreign countries notwithstanding high tariffs. Even now we find that without the wheat protection we could never have made our two ends meet and would not have been able to pay Government revenue. As far as industries are concerned; we all find that Japan is acting according to her set programme. Their programme is such that it is making Japan practically to capture the world's market and every country including India finds difficulty in facing the situation which has thus arisen. I do not know how they are able to dump their industrial products cheaper all over the world. Their Government either give them subsidies or help them in other ways; all the same the fact is there that notwithstanding the heavy tariff wall Japan is successful in making a huge sale of their goods in India. Sir, without the help of a central organization it is impossible to improve our trade and improve our agriculture; and in case the Central Government moves in this direction they will be doing a great service to India and save its millions from starvation.

With these words, I support the Resolution.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, it is always a pleasure to hear Honourable Members on what is undoubtedly the most important question for any country to consider. I feel that in this particular case, I am in a very happy position. Although this Resolution is being moved today, the 5th September, 1934, as early as April, 1934, action on this Resolution was already taken. Therefore I cannot say that Government is pleased to accept the Resolution. But I can say that the Resolution was accepted several months before it was prepared by the Honourable Member or moved in this House. What does he want? A committee of experts and non-officials, not only from the headquarters but also from the provinces. He wants experts from headquarters and provinces, and also non-officials to put their heads together to consider the situation, to arrive at certain decisions and then to take steps to carry out those decisions. Well, Sir, I think it was in the month of February, 1934, that an invitation was issued to Local Governments to send their representatives and experts to Delhi, so that the question, in particular with reference to agricultural commodities and indebtedness of the agriculturist, could be discussed. That invitation was accepted, but Local Governments pleaded that they were everywhere busy with their budget sessions of the Legislatures and during the currency of those sessions it was not possible for them to send real representatives and accredited members of Government to Delhi. So we had to wait till the end of March or the beginning of April. In the beginning of April, this memorable conference was held. My ex-colleague, the Honourable Finance Member, presided over the Committee

and in fact during his absence I had to take up those onerous duties myself. One of the Honourable Members present was Sir Ghulam Husain Hidayatallah—he represented the Bombay Government at that Conference. We spent quite a long time over it. We sat early and we sat late. I believe the Report of that Conference was made available to Honourable Members? Was it not?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Which of them?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You have not read any of them?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Only newspaper reports.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: We did, within a week of the closing of the Conference, produce a report. That was done by Mr. Taylor and was a really remarkable piece of work. Those were very busy days for the Secretariat and immediately after the Councils were over the report was published and further Honourable Members cannot be unaware of the fact that as early as the 1st of May, I believe, the Government Resolution was published in the Government Gazette and I believe the Honourable Member has seen that?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: No.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: That really is most discouraging! We hold these conferences as desired by the Honourable Members. Often we forecast what their wishes are and hold these important conferences, spend lakhs of rupees on them and with such little intelligence as we possess we thrash out the most abstruse subjects, arrive at certain conclusions, publish our reports and what is their fate?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: But these reports are not sent to us.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Are you sure that you read all the reports that are sent to you? If you assure me of that it would be some solace to my injured feelings of dignity. However, I can assure you that the Government of India Resolution was sent to you and if you will tell me that you have read it, it will be very kind of you.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, we did see that Resolution but may we ask, Sir, whether in the Conference you considered the drawing up of a five-year plan?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Now, if you have read that Resolution, I am prepared to assure you, indeed I was almost going to say that I was prepared to bet, that the words, "five-year plan", which seem to possess a charm, do occur in it. And I will tell you where they occur. We have prepared this five-year plan for a market-ing board. Do you remember that? (*Honourable Members*: "Yes") Well, there you are! We went into three important matters. One was agricultural indebtedness. Every province had prepared a memorandum

[Khan Bahadur Mian Sir Fazl-i-Husain.]

stating how agricultural indebtedness stood. They had also prepared a memorandum stating how they proposed to meet it. They also stated to what extent those proposals were in train. You will remember that the report said that the subject of agricultural indebtedness is so essentially a local thing in its nature that it is best to leave the method of tackling that subject to Local Governments rather than try to tackle it centrally.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: As far as I remember, Sir, you never contemplated any scheme for a five-year programme so far as agricultural produce was concerned. What you did was simply to deal with the marketing side.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Well, that observation of the Honourable the Leader of the Opposition seems to hold a still greater disappointment in store for me! I hope I am wrong! However, if he will be patient for a few minutes he will see that I am coming to that. Well, about that agricultural indebtedness, we dealt with the question (an important subject with the Leader of the Opposition) of agricultural produce. The question raised was: "What is happening to our agriculture? Are we conducting our agriculture on right lines or not? Why is it that our wheat is expensive? Why is it that other people are threatening to dump their agricultural produce on us? Is there anything wrong?" And therefore the question arose: "Is every acre of land in India being put to the best possible use or not?" Well, Sir, we could not settle that offhand but if the Honourable Members had read the Report of the Conference or even the Government of India Resolution which was printed in the Government Gazette—and I believe in almost every paper, whether English or vernacular—then they would remember that this Resolution promised another Conference which was called the Crop-planning Conference. That Conference was to be preceded by an Advisory Board meeting of experts from all the provinces.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it being held now?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: No, no! That was held in the month of May and in the month of June the Crop-planning Conference was held in Simla, over which I presided and I thought it was an extraordinarily important Conference and why, I saw only the other day in an English paper very flattering remarks as to how I figured as a very important personage presiding over these very important conferences, and here are Members of this Honourable House asking if this Advisory Board is going to be held now! That really is very disappointing! It hurts one's feelings of dignity or self-importance—I do not know how to put it, but there it is! That Crop-planning Conference, I assure you, Sir, took up a great deal of my time, and I put all the stored-up experience I possessed as Revenue Member into that work and devoted hours and hours to it every day and produced a report which I believe has been circulated to all the Members of this House. Anyhow, kindly assure me that it has not? Are you sure that it has not, because I know we were in a great hurry to circulate that Crop-planning pamphlet to you so that you would know something of the good work we had been

doing. (*Honourable Members:* "We never received it.") Well, I am sorry. I will look into that matter. But I can assure you, though it hardly lies in my mouth to say so considering that I am head of the Department, I can assure you that my Department produced a report which in a brief space stated what has been done by the various provinces in the matter of agricultural development in the past 10 or 15 years, and my concluding speech in the Conference was to the effect that we had come to the conclusion that the development of agriculture in India during the past 15 years or so had not been haphazard, anyhow, but, on the other hand, had been well planned and the Agricultural Departments of various departments of the various provinces were to be congratulated on the fact that, barring half a dozen cases, we find we cannot make suggestions for improvement on the existing crop-planning,—which means that most of the crops in India are being grown on areas which are suited for them and for which areas better crops were not possible, barring linseed, for which I believe two lakhs of acres or more have been recommended. All this information was sent to every province and it was stated which particular province would be the most suitable for it—I believe the Central Provinces and Madras were mentioned.

It would take too long to even give a bird's-eye view of the ground that we covered, but I will see that, even if you were sent a copy, another copy will be sent to you and I trust you will find time to read it. So you see, Sir, that the matter which under this Resolution Government is very naturally expected by every Member of the House and every citizen of India to do is not exactly being neglected.

I have already touched on the question of agricultural indebtedness. I have indicated what has been done by the Crop-planning Conference and the Committee of experts in the matter of agricultural produce. The next step taken by us was to provide for satisfactory marketing. We found that our method of marketing, whether internal or external, that is to say, marketing within India or outside India, left very much to be desired. As a matter of fact, in 1933 we had decided upon following the advice which the Honourable Mr. Mehrotra has given today, import a foreign expert, and he reached Simla, I think, on the 1st May. He has been working since then. Only recently, our Standing Finance Committee has approved of a five-year scheme by this expert along with other experts for marketing. That scheme is to operate not only at the centre but also in the provinces. The provinces have been good enough to respond nobly to the call made on them. They have already appointed various officers to go into that matter. You will thus see, Sir, that although we do not aspire to beat Japan in the matter of dumping their goods on other countries, which is a very questionable thing to do——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Are the officers who have been so appointed conversant with the work?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member may rest assured that those who have been appointed will not have been appointed otherwise. It is quite possible that the choice of the Honourable the Leader of the Opposition may fall on a different person. But then, that is always the case when such appointments have to be filled. The very best advice was obtained before we made the selection.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

The Honourable Mr. Mehrotra may rest assured that though his advice of importing foreign experts by hundreds, I am afraid, could not very well be accepted so far as the numbers go——

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I never said that foreign experts should be imported into India by hundreds. I said that Japan imported foreign experts by the hundred.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I thought you might mean that Japan is a small country and if it imported hundreds, India ought to import lakhs. That is why I thought I had better caution you. Although we accept the idea of importing foreign experts, we have to do it on a very, very limited scale. At present we have only one, I think, and he also, strictly speaking, is not foreign. In the past, we had six or seven financiers in the Banking Enquiry Committee and so on.

The Honourable Member's second idea was about the co-operative movement in Denmark. There again, we have forestalled him. In order to give substantial assistance to the co-operative movement in India, we got an expert co-operator in Mr. Darling, with whose name he is probably familiar, about a month ago and requested him to go to Bengal where, as the Honourable Mr. Mehrotra said, His Excellency the Governor is most anxious to work out a village uplift movement, especially with the assistance of an expert co-operator.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: On what pay, Sir?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I HUSAIN: Is it right for you to ask what pay he is drawing when I am trying to give you the scheme of agricultural and economic development? In my younger days, when I was at school or at college, I may have been able to satisfy my examiners in these questions of memory. But I rely more on intelligence now than on memory for my work.

Proceeding from Denmark to Russia, which is the next place mentioned by the Honourable Mr. Mehrotra——

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Japan and Ireland also.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: He mentioned Japan first, then he came to Denmark, and then he went on to Russia, not to Ireland. I have got my notes. As regards Russia, Sir, I was not prepared. I thought that Russia has not done anything so very wonderful as to be held up to us as an example to follow. I was very astonished when the Honourable the Leader of the Opposition also held up Russia as an example to follow. He said that our cost of agricultural produce was higher than that of Russia. Obviously, because the land here belongs to the Honourable Rai Bahadur Lala Ram Saran Das and the Honourable Mr. Mehrotra, who take away the major part of the produce. If the land belonged to the proletariat, as it well might if they surrender their land, then there would be some parallel to Russia. Then I could control large areas and have recourse to cultivation on a

basis different from that employed by individuals, who for about six months in the year work, and for the other six months have to wait till enthusiastic industrial Ministers in the provinces provide them with cottage industries. They have to wait without work for six months in the year. This is a wastage of labour in India.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: May I explain why I referred to Russia? In Russia they pool out the various holdings as far as their harvesting, fertilization, and other operations are concerned, and in that way they reduce the cost of production. Cannot a similar thing be done in India?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: On a voluntary basis or a compulsory basis?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: On a voluntary basis.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I am very glad the Honourable the Leader of the Opposition has explained that he does not want what Russia has done. Russia has not got these things on a voluntary basis, nor has America for the matter of that. It is on a compulsory basis, and if the Honourable the Leader of the Opposition were told that his holdings will be taken over from him and amalgamated with those of others, and that he may or may not get anything, then he would hold an altogether different opinion. Moreover, coming from the Punjab as he does, he cannot be unaware of the fact that for the last 10 or 15 years there has been going on in the Punjab work against fragmentation of holdings. How is it done? We have to go to each individual proprietor, propitiate him, talk nicely to him, love him, and say in a very friendly way, "Will you and X be good enough to piece together the fragments of your holdings? Let me put the fragments of your holdings together. You will have the same quantity of land as at present; only it will be ever so much better for you". The poor sub-inspector and his workmen have to go round until the man becomes less obstinate. After spending thousands of rupees, you get half a dozen villagers to agree to do away with fragmentation. That takes years and years, and by the time you have finished one district, further fragmentation in the meantime has taken place. There is no use thinking of achieving quick results in this half-hearted manner.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What I meant was that in those villages, where an experiment has to be carried on, on a fair scale, harvesting by machinery can be introduced for efficiently and cheaply doing the process in a much less time and to the better advantage of the agriculturist.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I am sure what the Honourable Member is trying to do in his own area is most welcome information to the House! I trust the great champion of co-operation, the Honourable Mr. Mehrotra, will try to follow the example of his leader when he goes back to the United Provinces the next time the wheat crop is a bumper one! So, Sir, as regards Russia, I am afraid it is a case of distance lending enchantment to the view! I have tried to acquaint myself with the reality and I can assure you I have not yet got anywhere near it.

[Khan Bahadur Mian Sir Fazl-i-Husain.]

Proceeding, Sir, to the matter of co-operation, the Honourable Member knows perfectly well that a meeting of Registrars of Co-operative Societies was held in Delhi last March, and bearing in mind that co-operation is a provincial and transferred subject, every effort was made to make the meeting successful. Then the Honourable mover rushed from Russia to Ireland, and all the information he gave me was that in Ireland they have set up a department of agriculture. Well, if I am to believe what I read in the papers about Ireland, I cannot say that all is very well there. I do not know from where the Honourable mover of this Resolution has got hold of the idea that Ireland in the matter of agricultural development is the ideal country, that its methods are worth following and its results worth achieving. Perhaps he is in sympathy politically with Ireland? Otherwise in the economic field I do not think we have very much to learn from what the present Irish Government has been doing.

Then I go on to one or two observations which the Leader of the Opposition made. He said, centralize and organize. He seems to me nowadays in a very difficult mood. When he reads things about other countries, Germany, Italy, America, Russia, he says they are doing wonderful things. They have dictators. If we could only centralize how well off we could be. Well, that has a certain fascination for all of us. On the other hand, when I bring to his notice what it means—the surrender of individual liberty and property, the handing over of the individual will to the will of the dictator, in the best interests of the country—then he says, "No, no. It ought to be done on a voluntary basis"!

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I mean by centralize, centralization in the Central Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I dare say. You want to have the best of both worlds! You want to have all the good that can accrue from the beneficent activities of a good honest dictator and your freedom at the same time! I cannot combine the two, either in my person or in any other person. It is much better to have a clear idea of one's capacities and limitations. Frankly, we are still clinging to our freedom and liberty. It may not be able to produce that output that one would obtain by surrendering one's liberty and discretion and property to a common pool and allow one man to administer it. Even if you and I were prepared to do that, I do not think our countrymen would be. They would rather have half a loaf to starve on or live upon and keep control over their lands themselves than surrender it either on the Russian system or any other. If I am right, and the Council agrees with me that such is the mind of the India of today, then I think that what we in our own way are trying to achieve is the most that can be done under the existing circumstances.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am very glad to hear from the Leader of the House the action that the Government of India is taking on the lines that I have set forth in my Resolution. Sir, it would have been better if the Government had drawn up a programme of the schemes which they are going to take up with

the Provincial Governments. He mentioned about the conferences that were held. I have read the meagre reports that came out in the newspapers, and in view of the importance of these subjects in the present economic crisis it was necessary for the Government to compile the results of all the reports together in a book and to circulate it at least to Members of both Houses. I hope, Sir, the Government when calling the next conference, will try to take up a certain number of schemes definitely and advise the Local Governments to take them up one by one. Sir, as he is in sympathy with the object of this Resolution and as he has said he is doing all that is possible I beg leave of the House to withdraw the Resolution.

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

RESOLUTION *RE* INELIGIBILITY FOR SERVICE UNDER THE GOVERNMENT OF INDIA OF SUBJECTS OF THOSE INDIAN STATES WHO DO NOT EMPLOY BRITISH INDIAN SUBJECTS.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, I move:

"This Council recommends to the Governor General in Council that the subjects of those Indian States which have passed orders against the employment of British Indian subjects in the services of the aforesaid States should not be eligible for appointment by selection to any post in any service or department under the Government of India or for sitting at any competitive examination for recruitment to the Indian Services or Central Services, Classes I and II."

THE HONOURABLE THE PRESIDENT: I shall thank you to be as brief as possible.

THE HONOURABLE SAIYID RAZA ALI: I have already taken note of that, Sir, having regard to the lateness of the hour.

I must say at once that nothing is farther from my intention than to discuss the internal affairs of Indian States or to say anything affecting the relations of the Governor General in Council with any Indian Prince or Chief under the suzerainty of His Majesty the King Emperor. In the next place I must point out that my Resolution is not based on any want of sympathy with the administration of the Indian Princes. All that I want today is to draw the attention of this Council to the important fact that the arrangements in the matter of appointments to public services that obtain at present between Indian India and British India are extremely unsatisfactory. Whereas it is open to the subjects of any Indian State to be appointed to all those offices to which British Indians can be appointed, it is not permissible in many cases for British Indian subjects to be appointed to the services of Indian States. Earlier in the day I addressed a question on the subject to the Honourable Home Secretary, but unfortunately the information that he gave in answer to that question is so insufficient that it will be extremely difficult for me to argue my case on the basis of the information supplied by him; but it is a matter of common knowledge, Sir, that the idea obtaining these days is that every Indian State is for the subjects of that State. That idea is good as far as it goes, and nobody need quarrel with it. We in British India also have

[Saiyid Raza Ali.]

a right to expect all important offices in British India should be filled by British Indians. But we find that it is not so. I submit that the Government should make an earnest effort, in the course of the inquiry promised by the Honourable Mr. Hallett, to find out as to what are the States which have got orders to the effect that British Indians should not be employed. I know that the order would not be worded like that. The order obtaining in an Indian State against employment of British Indians, I am sure will not say " No British Indians shall be employed ". What the order will in all likelihood say will be that in all cases where subjects of the State fit to discharge the duties of particular posts are forthcoming preference should be given to them as against people of British India. I, as a matter of fact, do not know what orders obtain on this subject in various Indian States. This much I may tell the House, however, that I know two Indian States, one of which is one of the most important in India, in which there are almost specific orders against the employment of British Indians. It is not for obvious reasons open to me to disclose the names of those two States : but I have seen the orders, printed orders, with my own eyes. In how many other States similar orders are in force is more than I can say, and I think we can advantageously await the result of the inquiry promised early in the morning by the Honourable Mr. Hallett. But the important point is that either we ought not to allow subjects of the offending Indian States to be appointed to important posts in British India or we should take some other steps to secure the introduction of the principle of reciprocity between British India and Indian States.

I have watched from year to year a large number of subjects of Indian States being appointed to important posts in some of our most important services—All-India Services and Central Services, Class I. They were appointed during the four or five years either by selection or on the result of a competitive examination while I was associated with the Commission. It is true that before a man can be appointed to any post in British India he has to obtain a declaration under section 96A of the Government of India Act. But, as Honourable Members will remember, I put a question on this subject this morning and the reply was that this declaration is made on the recommendation of the Government of India by the Secretary of State in Council. My question, as Honourable Members will remember, clearly said :

" Is it not a fact that this declaration is made as a matter of course if it is found that the candidate has satisfactory conduct and character ?"

By means of a supplementary question I further elucidated the information that no application from a subject of an Indian State had been turned down by the Secretary of State during the preceding year. That tells its own tale—that these applications are granted as a matter of course. Now, Sir, I submit that if that is so, we must do something to secure our own rights in Indian States. I am not unacquainted with the fact that in a number of Indian States a few British Indians are appointed to high administrative posts, but these appointments, I may at once say, are in the nature of expert appointments; people who have high administrative ability and experience are appointed to these posts and the filling of these posts by a few men from British India in Indian States proves, I submit, the exception rather than the rule; and that

itself shows that there is a very considerable amount of disinclination in Indian States to employ men from British India.

The Resolution speaks for itself. I do not think I am required to put the facts of the case at any great length before this House. In conclusion I would say that these are days when we are trying to enter into mutually advantageous agreements with Dominions and Colonies. I for one entirely fail to see why we should not take action nearer home. If we find that the present arrangement is one-sided—and there is no doubt that it is one-sided—we should take very early steps to make it of such a character that it will be mutually advantageous to both parties. There may be more than one way of doing it. I do not think I need explain that at any length. But it is not so much—let me make it quite clear—with a view to secure a few more posts to young men from British India that I have moved this Resolution in this Council. The real question is a question of principle. Any reasonable man would fail to see why there should be a one-sided arrangement and why the principle of reciprocity should be wholly absent in the present arrangement which operates all to the advantage of the subjects of the Indian States and to the disadvantage of the people of British India.

5-5 P. M.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, the Honourable mover of the Resolution is labouring under a difficulty in that I have not been able to supply him with information that he requires in order to set the facts before the House. I too am under the same difficulty in making my reply for I have not got the facts available. Such facts as I have got and such opinion as I have been able to form from various records tends to the conclusion that possibly he is making a mountain out of a molehill. I do not think the matter is one of very serious importance from the point of view of the inhabitants of British India.

As regards the question whether the States prohibit the inhabitants of British India from being appointed to the service of the State, my impression is that very few States, if any, actually prohibit them. That, I think, is the Honourable Member's opinion also. But they do adopt a rule of preference. The Honourable the Home Member ascertained last year, in reply to a question asked in another place, in regard to three of the States in Southern India, that they have a system of preference. Preference is given to the inhabitants of the particular State concerned. Well, Sir, can we blame them for adopting that practice ? It is exactly the same as is done in every province of British India. If candidates are chosen in any province of India from another province, there is at once a tremendous outcry. The question however is one of a comparison between recruitment to the State services and recruitment to the All-India and Central Services under the Government of India. Well, Sir, can any State service even in the biggest States be compared with the services under the Government of India ? There is no comparison between the two and I do not think it is really a relevant consideration. Now, Sir, even though in theory it might be objectionable if this practice existed, what is the actual position ? The Honourable Member, speaking no doubt from his experience

[Mr. M. G. Hallett.]

on the Public Service Commission, suggested that a lot of the inhabitants of the Indian States were being recruited to the All-India Services. I regret I have not the full figures available but the only figures I have available are in regard to the Civil Service, and in that Service between the years 1925 and 1933, out of 228 Indians 18 only belonged to Indian States,—that is, rather less than 8 per cent. That is not a very large percentage, especially if we bear in mind that the Indian Civil Service does not only function in British India but functions in the whole of India, the Indian States *plus* British India——

THE HONOURABLE SAIYID RAZA ALI: How the Indian States?

THE HONOURABLE MR. M. G. HALLETT: I think my Honourable friend, Mr. Wingate, on my left has something to do with the Indian States.

THE HONOURABLE SAIYID RAZA ALI: That is the Foreign and Political Department.

THE HONOURABLE MR. M. G. HALLETT: Well, is that not connected with the Indian States? But even putting aside that argument, is 8 per cent. of the appointments in the last seven or eight years a very serious matter? After all, the inhabitants of the Indian States number about 80 millions and we are not being flooded by a large number of candidates from those 80 millions.

Then again, take the system of recruitment for the police. It is entirely on a provincial basis and I do not think, as far as I know, that under that system of recruitment there is any chance of a subject of an Indian State getting into the police.

THE HONOURABLE SAIYID RAZA ALI: Yes, there is. They do appear and they are allowed to appear.

THE HONOURABLE MR. M. G. HALLETT: Once again, Sir, I am in a difficulty as I have not the facts available, but I am quite prepared to accept the Honourable Member's statement on the point. However, I will undertake to look into the figures and see whether the number of candidates who are getting appointments in the Central and All-India Services is so large as to make it a practical evil which we should seek to rectify. There are however objections to rectifying it. A long time ago, about 1908, the law did not allow the subjects of Indian States to take posts in British India. Then after long discussion section 96A was enacted and incorporated in the Government of India Act. Well, Sir, the reasons which led the Government of India in 1908 to take up this question of allowing subjects of Indian States to go into the All-India Services seem to me to apply equally now. I do not see why we should go back on it. The reason was to make closer the bond between the Indian States and British India. What was said at that time was as follows:

> "We think the time has now come when the distinction between the subjects of these States and those born in British India should be removed. We do so because we consider that no opportunity should be lost for binding the inhabitants of these States more closely to the interests of British India".

Well, Sir, that argument applies with even greater force today. We hope that in the course of a short time the bond between the Indian States and

British India will be closer than it is today. If and when that closer link comes into effect, will it not be equitable that subjects of the Indian States should have a place in the All-India Services? I do not know when that new system will come into force—it may in two or three years, or in five or ten, but why in the short interval between now and the day when the new scheme comes into force should we do away with the system at present in force which has worked well in the past and not, I think, to the disadvantage of British India? I am, however, prepared to look further into the question and see whether the number that has been appointed has been large but my impression is that it has not been large. If it has not been large, then we are making a mountain out of a molehill. But I am prepared to give an undertaking similar to the undertaking given in another place by the Honourable the Home Member that we will see whether there is any real evil to rectify. My impression is that there is not. My own expectation is that we shall not find it possible or desirable or practicable to do anything, but as I say, I am speaking rather without full knowledge of the facts and I am quite prepared to look into these facts and see whether anything need be done. I trust that on this assurance the Honourable Member will withdraw his Resolution.

THE HONOURABLE SAIYID RAZA ALI: Sir, I may at once say that I am not prepared to plead guilty to the charge that I am making a mountain out of a molehill unless the Honourable the Home Secretary's inquiry shows what is the number of States' subjects who have been admitted into the All-India Services and what is more important to the Central Services, Class I, in recent years. Now, my Honourable friend gave us the number of the States subjects who have been appointed recently to the Indian Civil Service. Allow me to say at once that that is extremely misleading. If he is going to make an inquiry let me point out to him as to what are the important services into which this inquiry should be made. I would like to know the number of subjects of Indian States that have been appointed either by selection or on the result of competitive examinations to the Indian Audit and Accounts Service. My Honourable friend perhaps does not realise that a very large number of Indians from the Indian States have been appointed recently not to the Indian Civil Service, but to other Services. Those services about which I would like an enquiry to be made are the Indian Audit and Accounts Service, the superior service officers of the Military Accounts Department, the Imperial Customs Service—that is another very important Service—the Superior Telegraph Engineering and Wireless Branches of the Posts and Telegraphs Department, the Indian Railway Service of Engineers, the Superior Revenue Establishment of the State Railways. These are the departments to which so many of the subjects of Indian States have been appointed.

Now, I gladly agree with my Honourable friend that unless a good case is made out, there is no justification for taking any action between now and the time when the new Federation comes into force. But I am totally unable to agree with him that the Indian Civil Service has something particular to do with the Indian States. If you take the list of our services—I think this House can take it from me—it shows that excepting one service, there is not a single service either in the list of All-India Services or Central Services, Class I or Class II, with which the Indian States can lay claim to have any

[Saiyid Raza Ali.]

particular concern. The only service to which subjects from Indian States can reasonably claim to be appointed is the Foreign and Political Department, members of which operate in various Indian States. It is a mere accident that the Honourable Mr. Wingate is a member of the Indian Civil Service——

THE HONOURABLE MR. R. E. L. WINGATE: I entirely agree. It was sheer accident!

THE HONOURABLE SAIYID RAZA ALI: It might have been that an officer from the army, who had been drafted into the Foreign and Political Department, would have been occupying today the post which the Honourable Mr. Wingate is occupying. The Indian Civil Service as such has nothing to do with the Indian States. The only Department directly interested in the States is the Political Branch of the Foreign and Political Department, and if the Indian States claim that their subjects should be appointed to the Political Branch of the Foreign and Political Department, that claim can be considered. But I entirely fail to see what claim these subjects of Indian States have to enter various other All-India or Central Services in British India.

Sir, I do not want to argue any further. Having regard to the statement made by the Honourable Mr. Hallett, I do not think I am called upon to press my Resolution to a vote. I hope the Honourable Mr. Hallett will not confine his enquiry to the Indian Civil Service only but will include the various Services, a list of which I gave a few minutes ago. Sir, I beg leave to withdraw the Resolution.

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

The Council then adjourned till Half Past Ten of the Clock on Thursday, the 6th September, 1934.

COUNCIL OF STATE.

Thursday, 6th September, 1934.

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

QUESTIONS AND ANSWERS.

WITHDRAWAL OF THE SURCHARGE ON FREIGHT ON COAL.

234. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to withdraw the surcharge on freight of coal in the near future? If not, do they propose to charge surcharge on anti-telescopic scale for long distance traffic? If not, why not?

THE HONOURABLE SIR GUTHRIE RUSSELL: I would refer the Honourable Member to the remarks made by me on this subject when presenting the Railway Budget for 1934-35 to this House on the 19th February, 1934. The statistics that have been compiled regarding the long distance traffic are under examination and I am not in a position at present to make any announcement on the subject.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: How long have they been under consideration; it is past two years?

THE HONOURABLE SIR GUTHRIE RUSSELL: The statistics were obtained about six weeks ago.

RAMGANGA RAILWAY BRIDGE, EAST INDIAN RAILWAY.

235. THE HONOURABLE SAIYID RAZA ALI: (*a*) Is it a fact that during the monsoon the traffic between Moradabad at one end and Rampur and Bareilly at the other end passes over the Ramganga railway bridge as the boat bridge is dismantled about the middle of June?

(*b*) Has it come to the notice of Government that the railway bridge remains closed not only 15 or 20 minutes before the passing of trains but for periods varying from 45 minutes to two hours and that passengers are held up at either end? If not, do Government propose to make inquiries in the matter?

(*c*) Is it a fact that on the 2nd July, 1934, the bridge remained closed for about an hour and a half between 10-20 P.M. and 11-50 P.M. though no train passed after 11 P.M.?

(*d*) Do Government propose to build an overbridge for vehicular and other traffic?

(*e*) If not, do Government propose to arrange for proper announcement of the period of closure of the bridge at the time it is closed?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am making enquiries from the Railway Administration and will lay a reply on the table in due course.

I shall also advise the Honourable Member the results of my enquiries from the East Indian Railway.

INDIAN ARMY (AMENDMENT) BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The debate will now be resumed on the Indian Army (Amendment) Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Indian Christians): Sir, this amending Bill is necessitated by the Indianization of the army which we are all anxious to have, and it contains the necessary provisions, which are reasonable. Under clause 7(2) His Excellency the Commander-in-Chief has no power to dismiss an Indian commissioned officer. Clauses 40 and 41 give the right to complain to His Excellency the Governor General against an act of a superior. The main controversy against the Bill has raged round the status, promotion and pay of the Indian commissioned officer. As regards pay, one of the main reasons for Indianization is to reduce the cost of the army and we cannot in reason complain if it is the same as that which the British officer gets in his own land. As regards status, there will be no difference between the British officer and the Indian commissioned officer. With regard to promotion, that will depend upon merit coupled with seniority. As His Excellency the Commander-in-Chief has stressed, this is an experiment which we are now trying, and caution should be our watchword. To use a Latin expression, let us hasten slowly. Any mistake committed now will be fraught with serious danger. His Excellency has proved himself a real friend of India and we can safely rely on his judgment as to what is fit and necessary. To give only one instance of his solicitude for the good of India, his predecessor declared that he could not consent to the reduction of a single rupee in the army estimates, whereas His Excellency has cut down the estimates by more than Rs. 10 crores. We can trust him to do what is just and proper in the circumstances. The speeches of the Honourable Members here and some of the speeches in the other place have left the impression on my mind that the establishment of the Military College at Dehra Dun is a huge blunder, and that the product of the Academy will be neither fish, flesh nor good red herring. There is no doubt that a subconscious feeling exists in many minds that the *Swadeshi* product will be looked down upon by the *Videshi* article. Sensitive young men will have this feeling, and in order to remove it they should be given equal status with the British officer. In times of danger and difficulty the absence of equality of status and opportunities of promotion might cause great trouble. Suppose in an engagement the commanding officer who is a King's commissioned officer happens to be killed and the next in command is an Indian commissioned officer. Will he automatically step into the command or will a King's commissioned officer who is junior to him go over his head, or are orders to be awaited from headquarters as to who should be in command? Will the enemy be good enough to withhold operations till this question is settled? A soldier's ambition is to win glory in battle, and the Indian commissioned officer will be deprived of it when the opportunity offers itself if he is not allowed to

step into his senior's place as a matter of course. My own view is that in order to be equal to a British officer in all respects our young men ought to be trained in Sandhurst and Woolwich. There is something indefinable and valuable which those trained there get, but which cannot be got out here. Any amount of book learning and passing of examinations will not give that training and that outlook which can only be got in such military schools as Sandhurst and Woolwich. The Indian youths who go there meet not scores but hundreds of British youths, mix with them, take part in their games, and above all, sit at the same table with them. The mess is a great institution which brings people together and makes them brothers. Here in Dehra Dun you will have at the most a few scores of young men belonging to different communities and religions. Is it possible to postulate that the conditions obtaining there will obtain here? Even as it is I see a danger ahead. Now our young men have a common mess and common food, but a time will come when the numbers will increase and the *Sanatanists* and *Maulvis* will poke their noses in, and cry "Religion is in danger" and insist upon different kinds of food being prepared and served by different cooks, with the result that there will be a number of messes, a beef mess and a pork mess and, shall I say, a brinjal mess. Some years ago I visited the Serampore College and I found three different messes. The principal who kindly took me round called them mustard oil mess, *ginjelli* oil mess and cocoanut oil mess. The reason was the Bengalis wanted the cooking to be done in mustard oil; students from my part of the country were partial to *ginjelli* oil and those from Malabar, from which the Honourable Sir Ramunni Menon hails, insisted upon having cocoanut oil.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras: Nominated Non-Official): May I remind my Honourable friend that the cocoanut industry is in very grave peril?

THE HONOURABLE SIR DAVID DEVADOSS: In order to sink all religious and racial differences, our young men should be sent to England for their training. Then only will they imbibe the spirit of comradeship which is vital to the discipline and efficiency of the army. Let me illustrate my point. The public schoolboy acquires something which a board schoolboy misses. The former gets a training which befits him for the command of men by teaching him to have a command over himself. His games teach him to do team work and to strive not for his own ends but for the cause he stands for. The board schoolboy may have more book knowledge, but in the race of life he is left far behind and in difficult circumstances he is unable to rise superior to them. There may be exceptions but the exceptions prove the rule. Notwithstanding this handicap I would earnestly appeal to the Government that in order to make the Indian Sandhurst a success not to make any distinction in regard to status and promotion between the King's commissioned officer and the Indian commissioned officer. The British youth nowadays has a broader outlook and will not hesitate to work under his Indian brother officer. We belong to an older generation and let us not import our notions and prejudices into the new experiment which is of vital importance to India and the British Empire.

Sir, with your permission, I want to make an appeal to His Excellency on a matter which affects my presidency very much. It may be said, Sir, that it

[Sir David Devadoss.]

is not quite relevant to the Bill, but as the question of policy has been discussed at great length, I will say a few words. Sir, this is about enlistment of the Madrasi in the Indian Army. It is a well known fact that the Madras sepoy is a person who distinguished himself in many engagements; from the time of Lord Clive we know what part he played in the Battle of Plassey down to the time of the great Indian Mutiny, which he helped to suppress. Even during the war in Mesopotamia the Madras men distinguished themselves. The policy recently has been not to enlist any Madrasi to the Indian Army, but on the other hand to disband almost all the Madras regiments. Sir, I make this appeal on more than one ground. First, the martial spirit of the Madrasi is yet alive; it has not been killed, and secondly, on economic grounds also I urge that the Madrasi should be enlisted in the army. Sir, Madras contributes a very large portion of the revenue and naturally it expects a portion to be spent for the benefit of her people. By not enlisting Madras men, they lose the advantage of serving in the army and getting the benefit of it. Another point is that the cantonments are all in the north. If cantonments are spread all over the country, the whole country would benefit. There is another point that I would also urge. It is not quite safe to enlist only one set of people in the Indian Army. No doubt so long as the British Army protects us there would be no danger. Let us hope that that army will continue to protect us for a very long time. Supposing there is some trouble and some man like Hyder Ali comes up and creates trouble, the rest of the country will be helpless; we would be at the mercy of people in the north. Therefore, Sir, in the interests of peace and security I would strongly urge upon His Excellency—and this will be the last occasion for addressing him in this House—to consider this matter and do justice to the Madras people.

Sir, times have changed considerably. War no doubt required men of muscle and bone, but now things have changed. Future wars, Sir, I think, will be not so much on land or at sea, but in the air and a man with intelligence and grit will be able to do much more than a man who has only bodily strength. Further I think the days of bayonets and bullets are over. Future wars will be fought with poisons and bombs. That being so, I do not see any reason why the Military Department should attach great importance to muscle and bone. Sir, may I also say, without wearying the House, that the Madras Government in their memoranda on the Simon Commission Report have strongly advocated the enlistment of the Madrasi to the Indian regiments. This is not only my opinion; it is the considered opinion of the Madras Government. May I also add, without saying anything out of the way, that the fate of nations will hereafter be decided not in Plasseys and Waterloos, but in the laboratories of the chemist and therefore, Sir, I ask that men of intelligence and grit should be taken into the army and Madras will supply that element.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, before I begin my observations on this Bill, I want to express that I hold His Excellency Field-Marshal Sir Philip Chetwode in great esteem (Applause), as the Field-Marshal has sympathy with Indian aspirations. We esteem him because the Field-Marshal has effected consider-

able savings in the army expenditure which his predecessors considered an impossible task. Sir, the Field-Marshal is not only a military expert; he is also a statesman and the other day he also tried to play the role of an advocate. Unfortunately the case which His Excellency had to advocate was a weak one, as facts being facts could not be done away with. The Indian Army Bill has evoked much greater interest in the general public and in the press than any other measure recently placed before the Central Legislature. Sir, the main provisions contained in the Bill have been equally condemned by the public as well as the press. The very fact that this Bill was passed in the Legislative Assembly by a narrow majority of three votes proves, notwithstanding the great efforts of the Government and the great part which leaders have played, that the Bill could not be piloted through easily. If I mistake not, the Honourable Leader of this House also played a great part in getting that Bill through in the other House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Who?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The Leader of our House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member has not the slightest reason for making that suggestion and I trust it is not an insinuation?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: In case that is not a fact I stand corrected. I said "if I mistake not".

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I request him not to make matters worse by making such ridiculous statements.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Racial discrimination, Sir, is most undesirable. Even the Indian Penal Code was, if I mistake not, revised to put this in order. Sir, when the East India Company gained power and began to govern a portion of Bengal, it inaugurated a policy to ruin the industries and eliminate the martial spirit of our country. So much so that in Bengal no soldier could be easily found and even the police constabulary was mostly recruited from other provinces. Then, Sir, when the country came under the rule of the British Crown, the policy of discouraging the martial spirit in India started. Communalism in the recruitment of the army was adopted and intellectual people were not generally or readily accepted in the army sphere. Sir, my Honourable friend, Sir David Devadoss, has referred to this communalism in the army. Yesterday, the Honourable the Leader of the House, while speaking on the matter before this Council, observed that I did not belong to a martial tribe. I might inform the Honourable Member that, as he comes from one clan of Kshattriya Rajputs I come from the other and I can say that the members of my community even now hold British commissioned ranks and Viceroy's commissioned ranks and have done very well indeed in the army. I might, for instance, say that General Hari Singh Nalwa who commanded the Sikhs was a gallant soldier and even now no Pathan dare slight his name.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): I wish the Nawab of Hoti was here!

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: If the Nawab of Hoti was here I would have said it in his face!

Then, Sir, as regards the Viceroy's commission, a number of men of my community have gallantly served their country, and I might give the name of Honorary Captain Risaldar-Major Kashinand. Sir, I have travelled all over Europe and I find that no such distinctions of community are made anywhere there.

THE HONOURABLE SAIYID RAZA ALI: It was made in the time of Aurungzeb and also in Vedic times. All the fighting was done by the Rajputs.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: No, by Kshattriyas. I might mention, Sir, that, although I belong to a martial race, I do not believe that other tribes cannot do equally well. Sir, I know it as a fact, coming as I do from the Punjab, that the sons of some of the British trading firms in the Punjab now hold British commissioned ranks. Two are sons of tailors and one that of a cobbler—I do not see why this martial training should not be given to other communities.

Sir, His Excellency the Commander-in-Chief has compared us to the Dominions and said that we are giving the Indian commissioned officers the same status as the Dominion officers enjoy. In that connection I might say that India's case differs from theirs. India is not yet a Dominion and I do not think there is any near hope of her becoming one. We want Dominion status equal to what other Dominions enjoy and in case that status is given to us, then of course this Bill may be introduced. Sir, India had the privilege of enjoying British commissions from the very beginning and those people who had the privilege of serving in the army as British commissioned officers have rendered meritorious service and this fact I hope His Excellency will bear testimony to. Why should Indian officers be relegated to a junior position I cannot understand? Sir, we have in India even now with senior Indian British commissioned officers serving in various positions of responsibility and under them European officers are also serving. I believe, Sir, in the Indo-British comradeship, and I wish that the comradeship should continue. God has ordained us to work together and we ought to work together with faith in each other and with trust in each other.

Sir, my Honourable friend, the Nawab of Hoti, while speaking on this Bill, suggested a compromise and that compromise was that the present status of the Indian British commissioned officers should be retained and that say, six cadets for British commissions taken from the aristocracy of India and trained at Sandhurst as was the case before. I do not know whether that compromise proposal will be acceptable to His Excellency. I have already said, Sir, that in case this Bill is passed and the policy behind this Bill is adopted then, although the new officers will be called second-lieutenants all the same India will only regard them as dignified jemadars and subedars.

My Honourable friend Sir David Devadoss observed that the people from Madras should be freely taken into the army and that although they have not muscle and bone, they have got brains in their head. As far as Upper India is concerned, they have got muscle,

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bone and intellect, and there is no reason why discrimination should be made in recruitment. During the war, Punjab was a great centre for recruitment. Owing to this discrimination, a lot of conversions took place. As far as my memory goes,—I collected these figures with care and I consider they are facts, but of course I speak subject to correction—that more than 50,000 people became Sikhs to go into the army. In the Punjab, Jats from the South-East Punjab are recruited, but Jats from Central Punjab unless they are Sikhs cannot be taken. That was the reason which led so many people to adopt Sikhism in order to enable them to get into the army. Similarly, a number of people became Christians and some adopted other faiths. Therefore, while a reform is being carried out, and while, as His Excellency has been pleased to remark, he wants to make this army a model army, let all classes be taken.

The subject-matter of this Bill was so ably and exhaustively discussed by my Honourable friend Mr. Sapru that he has not left much for me to say. I will not be long and I will finish my observations with a few questions which I beg of His Excellency to answer:

(1) Is it or is it not a fact that hitherto all Indians were granted British commissions, and what is the reason for this retrograde and reactionary step which is being taken now in this direction?

(2) Is it or is it not a fact that in all Indianizing units, all British officers will be senior to the seniormost Indian officer and the possibility of a Britisher being under the authority of an Indian will be completely excluded?

(3) Is it or is it not a fact that under the present scheme no more Indians will be appointed to non-Indianizing units and all Indians with King's commissions already serving in those units will be withdrawn from them and drafted into Indianizing units with the result that *ex hypothesi* no Britisher will be serving under an Indian in non-Indianizing units?

(4) Suppose two units, one Indianizing and the other non-Indianizing, are stationed at the same place and an Indian commissioned officer holding the rank of a major and a British officer holding the rank of a captain come together on a non-social occasion, will the latter yield precedence to the former automatically?

(5) Suppose an Indian commissioned officer holding the rank of a captain and a British officer holding the rank of a lieutenant in a British regiment are thrown together in their official capacity say, in the course of manoeuvres, will the former be able to claim precedence automatically and as a matter of right?

(6) Suppose an Indian commissioned officer holding the rank of a major is in uniform and passes a British officer also in uniform, holding the rank of a captain in a British regiment or in a non-Indianizing unit, will the latter be under an obligation to salute the former?

(7) Suppose a general court-martial takes place, by accident or design, to be composed of an Indian commissioned officer holding the rank of a major, two Indian captains and two British officers holding the rank of captain, will the Indian major be automatically and as of right president of the court-martial?

Of course, Sir, I can see that the last contingency will never arise but conflicts will arise under some of the other heads mentioned above. Unless Indians

[Rai Bahadur Lala Ram Saran Das.]

can claim precedence under those circumstances, no amount of camouflage will satisfy the demands of India's self-respect and national dignity. I might say, Sir, that as a policy started by the East India Company, the spirit of self-respect among Indians was tried to be eliminated. But, Sir, that self-respect is now reviving and India is regaining the glory which she enjoyed in the past. So, Sir, anything which affects the self-respect of Indians is now strongly resented. I hope, Sir, that His Excellency the Commander-in-Chief will reconsider this measure as a statesman, which no doubt he is, and will try to solve this question in a manner which may not lead to discontentment in India. Sir, I might mention that in the British Empire it is the civilians who are supreme and the military authorities are subordinate to them. So, Sir, this is not purely a technical military matter. It is a matter of policy, and I think it is legitimate for the Legislatures to deal with this side, as far as the broad policy is concerned. Right is might; not might is right.

With these remarks, Sir, I oppose the Bill.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): Sir, there is a Persian proverb, *az mást ke bar mást*, which means, "We are the authors of that from which we suffer". I am forcibly reminded of that Persian proverb when going into the question of granting commissions to Indians and Indianizing the army in India. Sir, I must make it plain at the outset that I am by no means enamoured of the provisions of the Bill that is before us. But unfortunately, having regard to the course events have taken during the past nine years and more, I do not see any way of escape. His Excellency the Commander-in-Chief, in the course of his speech yesterday, referred to the want of experience of some at any rate of our political leaders. I, for one, Sir, while on this Bill, plead guilty to the charge. I have no doubt whatsoever that it was an evil day when the political wisdom of India in 1925 and 1926 decided to have an Indian Sandhurst at Dehra Dun and to train there young men of the country to whom commissions were to be granted afterwards. They were to be sent to Dehra Dun instead of being educated at Sandhurst. What does that show? That shows that whatever may be our acumen and our ability to deal with political questions, for reasons into which I need not enter, I do not think we have that experience or that up-to-date knowledge of military affairs which would enable us to take a sane and practical view. Had political leadership in India taken a long view of things, it would undoubtedly have declared itself against the establishment of any military college in India and would have insisted on our young men proceeding to Sandhurst to receive exactly the same kind of education as is given to English lads who want to adopt the soldier's profession. That unfortunately has not been done. Some of our best political thinkers were members of the Skeen Committee which made its report, the date of which is not given but I believe it was some time in 1927. A study of this report goes to show that our leaders in 1927 after mature consideration thought that the only way of expediting the pace of Indianization was to have a college at Dehra Dun which would enable us to train a larger number of young Indians than could possibly be found room for at Sandhurst. No doubt, Sir, they were guided by the best of motives. The further misfortune was that the mistake committed in 1927 was perpetuated by us in subsequent

years between 1927 and 1930. As this House knows, in the meantime the Report of the Simon Commission dealing, among other things, with Indian defence, had been published, and I need not describe the reception with which the Report of the Commission met. But it was unfortunate that we adhered to our insistence on having this military college. The Government of India, to their credit it must be said, in their despatch dated 20th September, 1930, reviewed the whole position very dispassionately, and though some of us are found today to be the loudest in our denunciation of the present Bill, yet it is refreshing to remember that this aspect of the question was put before the Secretary of State by the Government of India themselves. I cannot say that the whole Executive Council of the Governor General was united on that question, but to his credit it must be said that there was at least one Indian member on the Governor General's Council who emphasised very properly the point of view that is suggesting itself to the opposition today. At page 141 of that despatch of the 20th September, 1930, it is said:

"One of our Indian colleagues has expressed the view that it would be better that India should continue for some time yet without a military college of her own, than that Indian officers should come to be regarded as possessing qualifications inferior to those of their British contemporaries in the Indian Army. He fears that this argument of inferiority"—which, Sir, is just the argument that has been threshed out for the past two or three days—"might be used to retard the pace of Indianization in future, and he observes that if it is found necessary for young Indians appointed, for instance to the Indian Civil Service, or the Forest Service after open competition in India, to be sent to Europe for further training, a period of training in England would seem equally necessary for young Indian officers of the army".

The Executive Council it seems attached so much importance to the views of this Member that they have proceeded to give further expression to his views later on. I will crave permission to quote only one more passage.

"He further urges that inasmuch as any expansion of Indianization will involve a decrease in the number of British officers of the Indian Army, there should be less difficulty in accommodating an increasing number of Indian cadets at Sandhurst. If therefore His Majesty's Government could arrange to secure the admission of Indian cadets to Sandhurst to the extent which the progress of Indianization required, there would be grounds for postponing the establishment of an Indian Military College for a considerable time to come. An Indian military college is moreover bound to be expensive, both in its capital cost and in its recurring charges, if it is to be founded and maintained on lines comparable to Sandhurst. He anticipates that, from the political and financial, as well as the military points of view, the alternative of retaining Sandhurst may find some support".

Unfortunately, Sir, Indian political opinion declared itself against it. The question, as Honourable Members are aware, was taken up by the Sub-Committee of the Round Table Conference on Defence; and there again, in spite of the fact that some most prominent Indian leaders were there, it was decided that in order to give effect to recommendation (*a*) at page 87 of the Sub-Committee's Report—

"A training college in India be established at the earliest possible moment in order to train candidates for commissions in all arms of the Indian defence services. This college should also train prospective officers of the Indian State Forces".

Now, by virtue of this recommendation a Committee was appointed by the Governor General in Council consisting of the representatives of British India as also of the Indian States, and that Committee, as we know, was presided over by His Excellency the Commander-in-Chief. That Committee went into

[Saiyid Raza Ali.]

the whole question very carefully and has made certain recommendations and to a very large extent those who are responsible for the policy of the present Bill have taken very carefully into consideration the recommendations made by the Indian Military College Committee presided over by His Excellency.

Sir, if I had a clean slate to write upon, I would write, "No Dehra Dun; no College at Dehra Dun". I would send all young Indians to Sandhurst and Woolwich to be trained there, even though it retarded the pace of Indianization, because I am convinced that if you train young men, either for civil or for military duties, in two different countries, it is impossible for standards in both countries not to differ. You are bound to have different standards. That is the reason why so many men who come out successful in India in competitive examinations are sent to England for a period of training as probationers. But unfortunately we have not got a clean slate to write upon. What are we to do? Is it possible to abolish the Military College at Dehra Dun, on which a very large sum of money has been spent? The obvious answer is "No". The experiment must obviously be given a trial and if you are to give the experiment a trial, I do not see what alternative you can adopt except to proceed on the lines and on the policy embodied in the present Bill. I need not repeat that the present Bill is not an ideal one; it is by no means a perfect Bill. But what else can we expect under the circumstances? The Bill makes an honest attempt—everyone will have to agree—to solve satisfactorily the present problem, the problem as the Government of India has found it today circumscribed by public opinion on all sides. Therefore I think it is by no means unreasonable to expect that the Bill will find that measure of support to which it is entitled. In the course of the debate that has proceeded on this Bill reference was made to the question of pay. I have a very few words to say on that question. Sir, if Indians expect to get the same rates of pay as those which are allowed to Britishers who come out to this country at very considerable inconvenience to themselves—at the sacrifice of their health and personal comfort—they are very sadly mistaken. Not only that; I have no hesitation whatsoever in going further and saying that it is decidedly unpatriotic for an Indian to claim the same rate of pay as that which is granted to a European, I should say, Britisher, doing the same sort of work. In passing, I would refer to the Resolutions passed by the Indian National Congress beginning right from the year 1885 when the first meeting took place down to the year 1907, emphasising, emphatically urging that Indians should be paid less than Europeans for doing the same work. The Indian National Congress no doubt principally had the civil departments in its mind. But what is true of civil departments is equally true of the army.

I would make, Sir, only one more reference to the speech of His Excellency the Commander-in-Chief. He spoke very spiritedly yesterday. Having sat in this Council for a very large number of years, I would urge my colleagues to take into consideration not so much the letter of the speech of His Excellency as the spirit by which His Excellency was guided. The Commander-in-Chief is a distinguished soldier. We know soldiers are in the habit of not mincing matters but saying what they feel. They are not in the habit of calling a

spade an instrument for cutting; they call it a spade. But after all it is not so much the language as the substance that matters. It is the spirit which should be taken into consideration by us. In this connection I might mention what happened to me when I was a junior member of the Bar. Years ago, Sir, when I was a junior member of the Bar, like most juniors I spent most of my time in reading law—various Acts of the Legislature, Indian Law Reports and Case Law in particular. As ill-luck would have it, clients had a habit of coming to me in those days explaining their cases, which I was very glad to take up; and winding up by saying, "You might in this connection look up 5 Indian Cases, page 379". Now, Sir, that was to me what a red rag is to a bull, and I assure the House if I could have afforded it I would have given up the brief; but unfortunately it is not open to any struggling junior to give up a brief. What I mean——

THE HONOURABLE THE PRESIDENT: May I remind the Honourable Member that we have got three important Bills to dispose of?

THE HONOURABLE SAIYID RAZA ALI: Sir, I was dealing with the most important part of my personal story! (Laughter.)

I will shortly bring my remarks to a close. Sir, I revolted against the idea of a man who knew nothing about law, which was my profession, which was my business, which was my concern, telling me as to what ruling would be helpful to me and where it was to be found. I, for one, have no doubt whatsoever that the feelings of His Excellency the Commander-in-Chief are very similar to the feelings which I had about 25 or 26 years ago of resentment against the client telling me where the law favourable to him was to be found. But we know that His Excellency is very friendly; he has done a lot for the country. We also know the ways of soldiers. Perhaps this House knows as to what passed between Lord Rawlinson and Lord Inchcape when the latter presided over the Inchcape Committee, the Retrenchment Committee in 1923; hot words were exchanged, but that did not mean that any unpleasantness was left behind. Similarly I do hope that His Excellency's speech will be taken in its true spirit, and I appeal to His Excellency who, after all, moulds the military policy of India, to help India to his utmost. I gratefully acknowledge that His Excellency has done a lot for the country. I do not want to repeat what has been said, but the real time when India will stand in need of His Excellency's help will be after the provisions of this Bill are placed on the Statute-book and when they are put into force. I have no doubt that His Excellency will do what he can to make the path of deserving Indians who pass out of Dehra Dun easy and as long as His Excellency is in this country no more will be heard of invidious distinctions between British officers of the Indian Army serving in this country and Indian officers who have qualified at Dehra Dun.

Sir, I support the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, before I reply to the many remarks that have been made on this Bill which I am piloting through the House, I would ask your leave, Sir, to make a short personal statement. Yesterday we were all engaged in a debate that could be correctly described as lively, brisk, or by other journalistic phrases. Members of the Opposition who opposed the Bill threw fighting speeches across the floor of the

[His Excellency the Commander-in-Chief.]

House at me, and I enjoyed it; but I am a fighting man, and am always ready to stand up to them, toe to toe, and give them back as good as I get, and better if I can. I shall seldom win, as I have neither the fluency nor the Parliamentary experience of many of my Honourable colleagues opposite.

But I am the last, Sir,—in fact I should be very unhappy if I thought that anything which I said in the House yesterday left a feeling of soreness and injury behind. I am the last to wish to do this.

My Honourable friend, Sir Fazl-i-Husain, informed me last night, and I have been told since, that Honourable Members opposite took exception to a phrase of mine in which I employed the expression "irresponsible criticism". After breakfast this morning, the reporter's version of the debate was put in my hand, and I looked it through and found that I had never used that expression at all. If Honourable Members thought that, in anything I said, I meant that they as responsible politicians were not sufficiently responsible to offer criticism, or that they had not every right to do so if they wished, I unreservedly withdraw it.

Now, Sir, I will endeavour, although it is rather a hard task, to refer to some at any rate of the remarks that have been made by Honourable Members on this Bill. I have tried very hard to take notes as they made them but what with the noise of Members constantly going out, which in some cases when Honourable Members opposite are speaking assumes the appearance of a flood, and what with the noise the *jampanis* make outside and being rather deaf myself, I do not think I was able to catch everything they said. But although they ranged over a very wide field and many of them had not much relation to the Bill, I will try and refer only to those points which struck me as being either of major importance or—no I will not say new to the discussion because they certainly were not. I still think Honourable Members opposite were inclined to make mountains out of molehills again, and they certainly were inclined to impute motives to Government and to me which have no foundation in fact, and to weave into our intentions a deliberate insult to Indians which I can lay my hand on my heart at any rate and say I had not the slightest intention of offering.

I think we can say that the most important points that came up resolved themselves under three heads—at least those three seemed to me to run as a constant theme through the speeches of most Honourable Members. The first was their reiterated demand for absolute equality of status for the new Indian commission with the full King's commission. The second was a demand for equality of pay, pension, and leave rules.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern: Non Muhammadan): Not of pay.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: And the third was, rather to my surprise, a renewed demand that the English Sandhurst and Woolwich should again be opened to Indian cadets. Well, I will take these in order.

All the speakers were inclined to put the blame on the Government of India, and on me as their adviser, for the fact that the new commission does

not in fact carry absolute equality of status. I did not say, and I never have said, that we ever intended that there should be at this moment complete equality of status, for, as I have already explained, no one responsible for so big a thing as the defence of India could possibly agree that such complete equality should take place at first. But what they do not give us credit for is that it was quite impossible for us to over-ride the King's prerogative and give power to the new Indian commissions over full King's commissions. That was never even dreamt of when the King's commissions were first granted, and when I say this I am referring of course to the full King's commissioned officers of the British Service, who come into the picture when we talk about mixed brigades and mixed formations which we have heard so much about in this debate.

Now, we have already advised, Sir, that there shall be full reciprocity between the commissions in the Indian Army. That has been accepted, and I venture to think that this is a very big concession indeed and one which I take leave to think a few years ago no one in this House or in India ever dreamt we should have conceded. It is not a case of racial discrimination or inferiority. It is the fact that a full King's commission confers powers and privileges of which we are naturally very jealous, and we who had our King's commissions a few years ago never thought that we should come under the command of any Dominion officer or any Indian officer. If that is so, I think if we are prepared already to have full reciprocity between those commissions in the Indian Army, we have indeed gone a long way from that position.

Another victim of the indignation of Honourable Members opposite has been again the War Office. I would again repeat, Sir, that the War Office do not dictate to me or to the Government of India their policy, but, Sir, when it comes to a question of their own King's commissioned officers being subject to a command which was originally never intended, surely they have just as much right to stick up for their own officers as you have to stick up for what you consider to be the rights of yours. Surely that is just. It is obvious—and it has been admitted by most speakers—that there can be no question for a very long time of command of mixed formations, and if we think, when that time arrives, that Indians will not have proved themselves to their brother British officers to be fully equipped to take command if necessary, well, then, we had better shut up shop altogether before it is too late and confess that both you and we have been wrong. I for one do not feel that.

The Honourable Mr. Sapru persisted in referring to the Act as an Act by which regulations would be made. I thought I had made myself quite clear that the Act had nothing whatever to do with them, and that regulations would be made in future by alterations in the King's Regulations which would confer that power. He referred also to the Report of the so-called Rawlinson Committee. I won der if he knew what statements were made in that Committee? That report has never been published—it is a secret document. The evidence was taken *in camera* and a great many Indians gave us opinions in that Committee which are hardly in consonance with the ones they are in the habit of expressing now. He also referred to what he called the opinion of the Defence Sub-Committee of the Round Table Conference. He was right—that is what it was. But I am unaware that the Round Table

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Conference had any power of passing orders, or for the matter of that any power of binding those who came after them, any more than one Government can bind the Government which succeeds it. Their views were merely expressions of opinion.

Many Honourable Members were anxious that exact rules should be laid down in the King's Regulations specifying the occasions on which subordinate commanders would grant extra powers to the officers with Indian commissions. What I imagine will be the case is that the King's Regulations will give general powers to the Commander-in-Chief and the Commander-in-Chief will issue detailed instructions under those powers defining, so far as he is able or so far as it is possible to foresee them, the different occasions on which it will be necessary to confer such powers on the Indian commission.

Some Honourable Members referred to the superior powers of the full British commission as being automatic. They are not automatic. They are conferred from time to time by special rules in the King's Regulations. Certain speakers accused the Government of springing this commission on the country and upon the country and suggested that it was a surprise to them. That is quite contrary to the facts. A communiqué to this effect was issued in July, 1932, and I find it on page 1466 of the Legislative Assembly debates.

The Honourable Mr. Sapru, and quite a number of other speakers, made what is to me the most surprising request that Sandhurst and Woolwich should once again be opened to Indians as well as their own Indian Sandhurst. I must say that my Honourable friend Sir Fazl-i-Husain told me a long time ago that this demand would arise. But he is a very wise politician and I am only a soldier. To me, as a soldier, who heard sitting in another place what appeared to me as a soldier bitter speeches and loud demands for an Indian Sandhurst, and the requests to know why India should not be considered capable of having her own Sandhurst, and make it just as good as we have it in England, it comes rather as a surprise to hear that there are still many advocates who would like to go back to the old practice. Most speakers went out of their way to emphasise the inferiority complex that would be experienced by boys who come out of the Indian Sandhurst *vis-a-vis* their comrades who come out of the English Sandhurst. If that be the case, why on earth do they wish to prolong and emphasise that difference ? It seems to me that there is no sense in such a request. I may mention that the English Sandhurst and Woolwich accept no cadets at all from any other Dominion except New Zealand. That is because New Zealand has not got her own college, and you are now in the same position as the other Dominions.

I must confess that the Honourable Mr. Sapru became somewhat mixed I thought, or perhaps I did not understand him, when he was talking about the Dominions. For the life of me I cannot see what this status of the Dominions as opposed to the present status of India has got to do with the powers of commissions. If that is the case, one would imagine that the Dominions, feeling themselves so vastly superior, as the Honourable Mr. Sapru says they are, would be the first to object most strongly to the inferiority of the powers of com-

mand that their commissions confer on their own officers. I commanded a great many in the war, New Zealanders and Australians. We fought together throughout the war alongside each other. I never heard the word " inferiority " mentioned on either side. I heard the word " superiority ". I often heard the English claim they were better and the Dominion claim they were better. That is what we encourage in the army. We encourage people to think they are the best, and yet so many of you are trying to encourage your men to think of their inferiority. Such a pity, I think.

Again, Sir, the Honourable Mr. Sapru quoted as something better than India was going to get the fact that the Governor General in Canada had the power of deciding the occasions on which their commission should over-ride ours, or *vice versa*. If that is the case, why does he object to the Commander-in-Chief and his commanders deciding the same thing out here ? After all, the Commander-in-Chief does not act on his own out here but under the direction of the Viceroy.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU : May I just explain ? The position in Canada is that the Governor General in Council, that is, the responsible Government, has power to decide the occasions on which command will be given in the interests of the unity of control to an imperial officer. That is very different from the position which is visualized here. Normally, it is the Dominion officer who has the command. It is reserved to the responsible Government in the interests of unity of control to decide the occasions on which command may be given to an imperial officer.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I thank the Honourable Member for his explanation, but I am afraid I still do not see much difference in it.

As I have said, it will be a very long time before the difficulty arises of command in mixed formations. But if it should happen to arise before the question should have been definitely settled by regulation, what is more easy than to ensure that the formations concerned have only Indianizing units, and we will remove the British units from them if they feel so strongly about it. That will remove the cause of friction. I am myself perfectly certain that friction will not arise.

The Honourable Mr. Sapru has asked for a definite, simple, direct statement of the occasions on which the power of commanders and others will be exercised to give Indian commissions special power of command. I cannot possibly give you every occasion on which that question would arise, but a few of the more ordinary ones would be such cases as garrison boards, garrison committees, garrison duties, such as officer of the day, station staff officer in places where there are such, junior and other staff appointments such as brigade major and staff captains, and so on, and, on those occasions, there is not the slightest doubt that the commander with the senior commission would obviously take precedence. On manoeuvres, I can scarcely believe for a moment that any one would be so small-minded as to object to command being exercised by the senior officer on the spot. In the case of staff officers, they will certainly have special powers given to them, as in the case of Dominion commissions, for you must remember that staff officers do not speak of their own volition ; they speak with and for the mouth of their commander.

[His Excellency the Commander-in-Chief.]

One or two Honourable Members made use of what I think very disagreeable terms—"racial discrimination" and "segregation", both of which I strongly controvert. It is very fashionable among Indian politicians to refer to the present Indianization as segregation, and they do it purposely, I am afraid, because they mean by that term the disagreeable use of the word which we make when we segregate people for infectious diseases or something like that. I say to them again, as I have said so many times, that if we reverse the position, if they, and not we, were responsible for the safety of this country, and we were the new officers and they were the old, would they not wish to find out for themselves as quickly as possible whether we were going to be a success or not? If this is so, how many years would it take to find out if the two classes of officers were to serve together in the same units? It will take long enough as it is, but at least we intend that these Indianizing units shall be purely Indian as soon as possible, and we shall then see whether they can stand on their own legs or not. Otherwise, if they were mixed together indefinitely, we should never find out.

Now, I am very sorry to have to differ with my Honourable and gallant friend, Nawab Sir Mahomed Akbar Khan. He and I are old soldiers. We think alike. He made a special case for youths of aristocratic families being allowed special privileges for attending the English Sandhurst and Woolwich. I think the Honourable Member has forgotten, when he says that, how loudly India has cried in the past four years for democratic institutions. They have cried for it loudly and they are in process of getting it. I can only hope that those who cried for it will not find that they have exchanged King Stork for King Log. But if you have asked for democratic institutions and are going to get them you cannot have it both ways. You cannot have democracy in the civil services and elsewhere in India with equal opportunity for all and retain the army as an aristocratic preserve. But I will tell my Honourable and gallant friend, or I will get him to come behind the President's chair where we cannot be heard and I will whisper in his ear that I absolutely agree with him. He and I have served for many years in the army and we know that the people who make the best officers are the people whom God has born in that position. But we in England, I am sorry to say, have long ago departed from that position, and commissions in the army are now open to any one who can pass the examination or go through the ranks.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): May I interrupt His Excellency for a minute, Sir. Even nowadays in England we know, Sir, that there are special cavalry and infantry regiments which are more or less the preserve of the gentry of England.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: That may be so in practice, but it has certainly never been officially admitted.

The Honourable Mr. Mehrotra again harped on the question of the War Office. I have already referred to that and I tell him again that it is not a question of the War Office in this case. It is a question of law, and the opinion of

the Law Officers of the Crown. Neither the Government out here, nor the War Office, nor I, nor any one else, can pass orders which encroach on the King's prerogative. The Honourable Mr. Mehrotra five times in the course of his speech said he had now come to the principal objection to the Bill. Sir, I am rather confused in my mind as to which was the principal objection, but one of his chief objections was the Indian officer getting less salary than his British comrade. I spoke about this yesterday, so I will not repeat what I said but will merely say again that I cannot for the life of me understand why a man serving in his own country should have the same salary as a man who is banished from his country; and I will say again that I cannot for the life of me understand why that should confer any sense of inferiority at all, when I myself feel no sense of inferiority from the fact that I and my officers of the British Service draw much less pay and pension than do the British officers of the Indian Service.

I could not hear much of what the Honourable Mr. Chari said, but he seemed to harp for a considerable time on the fact that the army out here was what he pleased to call an army of occupation. Well, if the phrase pleases him I make him a very kind present of it. I will only say to him that the efficiency and discipline of the army out here and its gallantry are one of the chief reasons why he has had a successful life himself and is sitting where he is today. It has been the means at any rate of ensuring that India is kept so quiet that His Majesty's subjects have been able to go about their lawful occasions without let or hindrance. He also talked vaguely about what he called automatic promotion. I do not know whether he means automatic promotion without efficiency or examinations. I have been for a long time in war in my life and I can assure him that it is dangerous enough with the trained officers we have without adding to the danger by automatic promotions.

The Honourable Mr. Hossain Imam again talked a great deal about the Bill doing an injustice by differentiating between Sandhurst and Dehra Dun. Now that, as long as I have any influence, I intend shall not take place in Indian units. If I hear of any young Indian gentleman who presumes to arrogate to himself superiority over his comrades because he has been at Sandhurst while his comrades have only been at the Indian Sandhurst he will find himself out of the army before he knows where he is, or he will remain in it with such a flea in his ear that he wont know where he is for at least a year. He has also said again that the army, in case of another war, will not fight for India; it will still be under the War Office and will go and fight for the Empire. If that Empire were in real danger again, surely India would be very foolish if she did not fight for it? Surely if the Empire falls, India falls with it? And if Indians complain about an inferiority complex under British rule, I wonder how they would classify that complex under German rule?

One speaker said it was quite ridiculous to say that we would give Indians full power of command for fear they might make mistakes in war. He said he had been reading Lloyd George's book, which I too have read, in which he said throughout the whole of one volume that all the generals, allied and enemy, were very stupid men who did nothing but make mistakes. I am quite sure we did make an infinity of mistakes, and I consider myself very fortunate in that I may have made fewer mistakes than others and am standing

[His Excellency the Commander-in-Chief.]

here perhaps because I had no opportunity of making more. But in that book Mr. Lloyd George never said one word about the ghastly and miserable failure politicians and statesmen have made in the affairs of the world in the 14 years they have had to reorganize it. We took four years to win the war, and I dare say we took too long. But the politicians have had 14 years, and you have only got to look around you in the world to see what a wonderful success they have made of it.

I seem to recollect, Sir, that when the commissions were given to the Indian Air Force and the Indian Air Force Act was passed, it was received with acclamation by both Houses of the Legislature in this country. If that is so, their present attitude to the Bill under consideration is absolutely incomprehensible. The Air Force Act which you passed and referred to in such glowing terms is exactly the same with reference to the Air Force as this Bill is with regard to the army. To my Honourable friend Sir Fazl-i-Husain, with all his experience of Indian politics, that may be an open book ; but to me as a simple soldier it is one of those dark mysteries which I shall never understand.

I have now finished my remarks on what Honourable Members have said, and I can only hope, Sir, that what I have said will induce them to realise that this Bill is proposed and has been advanced purely in the interests of the army in India, an efficient army, and in no way is it intended to produce inferiority or a feeling of inferiority in any of our future Indian comrades.

THE HONOURABLE THE PRESIDENT : The Question is :

" That the Bill further to amend the Indian Army Act, 1911, for certain purposes, 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 : The Question is :

" That clause 5 stand part of the Bill. "

The Honourable Mr. Sapru and two other Honourable Members have given notice of an amendment, and I would like the Honourable Member to deal with the question of law only at present—whether this amendment is admissible and within the competence of the Government of India Act.

THE HONOURABLE PANDIT PRAKASH NARAIN SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, so far as the question of law is concerned, I will put my case before you. The Indian Legislature, as we know, is a non-sovereign Legislature. It derives its authority from an Act of the British Parliament and the limits of the powers of the Indian Legislature are enunciated in section 65 (1) (*d*) of the Government of India Act. We have therefore to see whether there is anything in section 65 (1) (*d*) which prevents this Legislature from dealing with my amendment. Section 65 (1) lays down,—I will not read clauses (*a*), (*b*) and (*c*),—I will read (*d*) :

12 NOON.

" The Indian Legislature has power to make laws—

(*d*) for the government of officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act ".

My submission is that the sub-section defines the territorial jurisdiction. The words " His Majesty's Indian forces " they have territorial connotation and not a racial connotation. I read the words " His Majesty's forces " as His Majesty's forces serving in India, so far as they are not subject to the Army Act. My submission is that the present Bill creates a new class of officers which was not contemplated by the Army Act of 1879. Therefore this amendment will not affect the Army Act, 1879, at all, because you are creating a new class of officers, and this class of officers is not contemplated by the Army Act of 1879. What the amendment does is to define the status and powers of officers who are being created by this Bill. The Indian Legislature, I submit, Sir, can define this status and powers. The Army Act or the Regulations framed under the Army Act could not have contemplated the creation of a new class of officers, and therefore the Army Act cannot be said to apply to this new class of officers. Sir, section 71 of the Army Act and the King's Regulations made under that Act deal with the status of British officers. They deal with the status of British officers. Section 71 (1) of the Army Act runs thus :

" For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's forces, it is hereby declared that His Majesty may, in such manner as to His Majesty may from time to time seem meet, make regulations as to the persons to be invested as officers, or otherwise, with command over His Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised ".

So far as my amendment is concerned, it does not affect British officers at all. It merely affects Indian officers. I am defining the status of Indian officers, not of British officers. Therefore it does not affect British officers at all. The power of the King to make Regulations about command is not an exclusive power, and therefore my submission would be that it would be open to the Legislature to lay down certain rules in regard to command. If the King chooses to make any regulations, then those regulations would override the clauses in our present Bill. Then, Sir, my amendment does not in any way seek to repeal the Army Act, 1879. There is just one other argument which I would like to advance and that is about the King's prerogative. Let us understand what the King's prerogative is. The King's prerogative is the residuary or discretionary power which vests in the King at any time independently of the statute. If there is any statutory power then there is no question of the prerogative at all, because prerogative is different from statutory powers of the King and here you are relying not upon the King's prerogative, but upon the statute ; and therefore it has not been shown that there is any statute which bars the jurisdiction of the Indian Legislature and I therefore submit that the Indian Legislature is competent to deal with this amendment.

THE HONOURABLE THE PRESIDENT : Rai Bahadur Lala Mathura Prasad Mehrotra, you have also given notice of a similar amendment. Do you wish to speak on the legal aspect of the amendment ? I have carefully gone through the debate which has taken place in the Lower House and I would like to hear if you have got anything more important to add ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : I do not want to add to what has been said by my Honourable friend, Mr. Sapru.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I would like to make a statement on behalf of Government. Naturallly, Sir, we propose to leave the question of the admissibility or otherwise of this amendment entirely in your hands and I shall merely confine myself to stating the position adopted by the Government of India in consultation with His Majesty's Government in the situation created by the Chair's ruling in the other Chamber in favour of the admissibility of the identical amendment moved in that Chamber. As was explained in the statement made by the Honourable Sir Joseph Bhore in the Legislative Assembly on the 27th August, Government have consistently maintained that the Indian Army Act which, besides providing for the legal status of Indian officers of the Indian Army, deals only with discipline and kindred subjects, is no place for provisions governing command, rank and precedence, which ordinarily find a place in the King's Regulations for the army. Government, therefore, confined themselves to giving a guarantee in connection with the present Bill that provision would be made in those Regulations for complete reciprocity of powers and privileges within the Indian Army as between Indian commissioned officers and British officers of the Indian Army.

In consequence, however, of the feeling in the Assembly that statutory provision should be substituted for the verbal assurance which had been given on behalf of the Government regarding the command, rank and precedence of Indian commissioned officers the Government of India made inquiries of His Majesty's Government, regarding the inclusion in the Bill of a clause on the lines of the amendment proposed by Sir Abdur Rahim, but limited in scope to the regulation of these matters within the Indian Army. To this His Majesty's Government's reply was that it was impossible to accept such a proposal because the question at issue was one of His Majesty's prerogative.

THE HONOURABLE THE PRESIDENT: I am only concerned at this stage with the legal aspect. The Bill before the Council, as passed by the Legislative Assembly, is further to amend the Indian Army Act, 1911, for certain purposes. When this Bill was before the Legislative Assembly, Sir Abdur Rahim moved an amendment to insert a new section 7(*a*) in the Act VIII of 1911 to the effect that:

"the status and opportunities for promotion and power of command, rank and precedence of the Indian commissioned officers in the Indian Army shall be the same as that of the British officers in the Indian Army in all units and formations".

On a point of order an objection was taken on behalf of Government that the amendment proposed was not within the competence of the Indian Legislature. The admissibility of this amendment was fully discussed and my brother President of the Assembly, the Honourable Sir Shanmukham Chetty, ruled that the amendment was within the competence of the Indian Legislature. This amendment was, however, ultimately rejected by the Legislative Assembly and the Bill has come before this Council without the incorporation of the said amendment. The Honourable Mr. Sapru and some other Honourable Members have given notice of an identical amendment as moved in the other House to insert a new section 7A in the Indian Army Act, 1911. Whether any objection is taken or not in this House by Government or any other Honourable Member to the proposed amendment, it is my duty to ascertain if the amendment is within the competence of the Government of India Act. The question of the admissibility or otherwise of this amendment has received my anxious considera-tion in the course of which I have naturally accorded to the ruling from the Chair in another place the respectful attention which it deserves. Where a point of order arising in this Chamber has already been decided in the other Chamber, I should always prefer if possible to associate myself with the deci-sion reached in the other Chamber, but on this occasion my consideration of the question at issue has led me to so definite a conclusion that the amendment is one which I ought not to permit to be moved that I should be failing in my duty if I allowed my sense of the desirability of uniformity of ruling between the two Chambers or my high sense of the respect due to any decision by the President of the other Chamber to deter me from ruling in accordance with my own conviction that the amendment is out of order.

It must be borne in mind that the Government of India Act is an Act of the British Parliament and emanates from the supreme authority of the British Parliament. Section 65(1)(*d*) of the Government of India Act provides the Indian Legislature with powers to make laws for the government of officers, soldiers and followers in His Majesty's Indian forces wherever they are serving in so far as they are not subject to the Army Act or the Air Force Act. The reference therein is to officers, soldiers and followers in the Indian forces. The ruling in the Legislative Assembly was to the effect that the connotation of the expression " His Majesty's Indian forces " is territorial and not racial and that the expression includes both Indian and British officers serving in the Army in India. A comparison of the language at the commencement of sub-section (*1*) of section 180 of the Army Act, whereby it is provided that :

" in the application of this Act to *His Majesty's forces when serving in India* the following modification shall be made "

with the language used in sub-section (*2*) of that section which provides that—

" in the application of this Act to His Majesty's Indian Forces the following (different) modifications shall be made "

may suggest that the expression " His Majesty's Indian forces " is synonymous with what is commonly called the Indian Army and does not include the per-sonnel of the British Army while serving in India. But, in any event, British officers of the Indian Army and the British officers of the British Service who would be with them in the mixed formations which the proposed amendment refers to are in all respects subject to the English Army Act. This follows clearly from section 180 of the English Army Act. In enacting a law which proposes to provide that the status and opportunities of Indian commissioned officers shall be identical as those of British officers in the Indian Army, we are legislating for the British officers no less than the Indian commissioned offi-cers. The conferment of equal status and powers of command, rank and precedence on the Indian commissioned officer will enable him to exercise such powers over a British officer of the Indian Army who is his junior in standing and rank, though the latter may be subject to the English Army Act. The English Army Act does not contemplate or recognise the exercise of rank, command, etc., over him by such an officer. By virtue of the proposed provi-sion, a new class of officers is created to whom a British officer governed by the Army Act may in certain cases be subordinated while such subordination did

[Mr. President.]

not exist under the English Army Act. It will be seen therefore that the amendment undoubtedly relates to the status and opportunities and precedence, etc., of the British officers in the Indian Army—they are provided for in the amendment—and, therefore, as the amendment relates to British officers who are subject to the jurisdiction of the Army Act, it is *ultra vires* under section 65(1)(*d*) of the Government of India Act.

Section 7 of the Indian Army Act, VIII of 1911, deals with four classes of officers: (1) British officer, (2) Indian commissioned officer, (3) Viceroy's commissioned officer, and (4) officer. I will therefore examine the position more closely and in greater detail. The Honourable Mr. Sapru's amendment seeks to regulate the mutual powers of command of the British officers of the Indian Army and of the Indian commissioned officers and therefore it is opposed to the letter and spirit of section 71 of the Army Act which lays down that it is for His Majesty to make the regulations as to the persons to be invested with command over His Majesty's forces and as to the mode by which such command is to be exercised. It is clear that the amendment will affect the status of those British officers whose status is derived by the King's Regulations made under section 71 of the Army Act. It must be borne in mind that the provisions in the King's Regulations that deal with powers of command only relate to such powers as between officers of various categories of His Majesty's land forces. It is true that there is one specific clause which relates to the position of Dominion officers when they are doing duty with units of the British Army. In the King's Regulations, the Indian commissioned officer has not been directly or indirectly dealt with at all. No provision up to now has been made in King's Regulations for the Indian commissioned officer. There is no doubt that, at some future date, on occasion arising, regulations will have to be made by His Majesty's Government under section 71 of the Army Act. The Bill before us does not refer to any such matters which in the case of the Indian and British armies are covered by the King's Regulations and there is no doubt that the regulations to govern the powers of command of this new class of officers will necessarily follow under section 71 of the Army Act.

The proposed amendment is incompetent in the light of the limitations and restrictions imposed by section 65(2) of the Government of India Act and of the nature of the interpretation to be put on section 71 of the Army Act as the Indian Legislature has not unless expressly so authorised by Act of Parliament power to make any law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India including the Army Act, the Air Force Act and any Act amending the same.

I will now deal in some detail with section 71 of the Army Act to which my brother President in the other House has made reference. Section 71 of the Army Act runs as follows:

> "For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's Forces it is hereby declared that His Majesty may in such manner as to His Majesty may from time to time seem meet make Regulations as to persons to be invested as officers or otherwise with command over His Majesty's Forces or any part thereof or any person belonging thereto and as to the mode in which such command is to be exercised".

The purport of section 71 is to vest in His Majesty the King the power and prerogative of making regulations to regulate command over officers. The learned President of the Assembly was of opinion that:

> "unless there was no provision to the contrary in a Local Act His Majesty the King may frame regulations to provide for the command of officers or, even though there may be positive provisions in a Local Act, the regulations of His Majesty the King may override those regulations and make fresh regulations".

That is not a correct interpretation, to my mind, of section 71 of the Army Act. The power of the Crown to disallow any Act passed by the Indian Legislature has been specifically provided by section 69 of the Government of India Act; but it is another thing to say that, even though there may be positive provisions in a Local Act, the Regulations of His Majesty the King may override those provisions and His Majesty may make fresh regulations. To make positive provisions in a Local Act contrary to the provisions of section 71 of the Army Act is manifestly to usurp the powers and prerogatives of the Crown, though such an enactment shall not be deemed invalid solely for that reason under section 84 of the Government of India Act. But, in my opinion, the question does not turn upon whether there is in the King's Regulations made under the Army Act any provision regulating the status of British officers *qua* Indian commissioned officers. The amendment must be read by itself and not with reference to the King's Regulations. It clearly deals with the status of British officers subject to the Army Act and so far it is therefore *ultra vires*.

The words in section 65 do not warrant a conclusion, neither are they open to the construction that the Indian Legislature may take power in matters on which the English Army and the Air Force Acts are silent. It is immaterial that the object of the amendment is to give the Indian commissioned officer the same opportunities as the British officer enjoys. It must be remembered that the British or Indian officers who have been trained in England and received their commission direct from the King stand on a distinct and a more advantageous footing.

As to sub-section (2) of section 65, the learned President of the Assembly bases his argument on the position that the King can override the effect of the amendment. He refers in support of his argument to section 71 of the Army Act and rules that under this the King can either alter or override the provisions contemplated in the amendment. If that is his conclusion and if that is the necessary position created by the passing of the amendment, then clearly the amendment does affect the Army Act; otherwise there will be no necessity for the King to issue regulations overriding it.

I am inclined to put the widest possible interpretation on the word "affecting" in sub-section (2) of section 65. It is true that "affecting" means affecting in any sort of manner and not merely affecting prejudicially. The object of the amendment is to give the Indian commissioned officer the same opportunities as the British officer who enjoys his status under the Army Act. The fact that the British officer is serving in India does not deprive him of his status and privileges under the Army Act. Therefore *qua* those British officers, although it has fallen to their lot to serve in India, no legislation affecting their rights can be enacted in India. The Indian Legislature has no power not because they are British but because they are under the jurisdiction of the Army

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Act. There is no question of racial discrimination or colour bar so far as the Army Act is concerned. The Legislature can create a new class of officers but cannot legislate for those governed by the Army Act. If the Legislature places another class alongside them then their status surely must be affected. Their only appeal is to the Army Act and therefore the provisions of the Army Act are affected.

As the effect of the amendment is that the status and opportunities for promotion and power of command, precedence and rank of Indian commissioned officers in the Indian Army in all units and formation shall be the same as for the British officers, it is clear to my mind that the Indian Legislature is not competent to enact such a provision under section 65 of the Government of India Act by reason of the limitations contained in clause (*d*) of sub-section (*1*) of that section and of the first proviso in sub-section (*2*) thereof. The amendment is calculated to govern British officers subject to the English Army Act and affects the said Act and section 71 in particular thereof. For these reasons I am therefore unable to give leave to the Honourable Member to move his amendment.

Clause 5 was added to the Bill.

Clauses 6 to 42 were 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 HONOURABLE PANDIT PRAKASH NARAIN SAPRU: Sir, we have now come to the final stages of the Bill, and it is therefore necessary to make our position clear. I have no desire to repeat what I have said with regard to the Bill before us. But there is one aspect of the question raised by the Bill which I will give expression to at this stage. Sir, the Bill is intimately connected with the constitutional issue. The Indian delegates in their Memorandum have expressly said that the issue, the defence issue, must be regarded as part of the constitutional issue. Now, Sir, we know that the constitutional issue today is being considered by the Joint Select Committee. The Indian delegates have agreed to the reservation of the defence of India on certain very specific terms. We do not yet know, though we may indulge in shrewd anticipation, what the decisions of the Joint Select Committee will be. Therefore, Sir, I think the Bill is premature and it ought not to have been introduced at this stage, and we ought to have waited until the decisions of the Joint Select Committee had been made known to us. This is one point which I would like to stress against the Bill.

Then I will come to the speech of His Excellency the Commander-in-Chief. I recognise, Sir, that His Excellency's tone was very conciliatory and we on our side are glad to respond to the note of conciliation which His Excellency has struck. But, Sir, the differences between us are so fundamental that we do not think we shall be justified in going back upon the decision that we have taken up in regard to this measure. His Excellency himself admitted that there was no question of complete equality between the British officer and the

Indian officer. He said that there would be complete reciprocity between the British and the Indian officer. What does that word "reciprocity" mean? We should like to have some indication as to what the word "reciprocity" means here. Then His Excellency indicated some of the occasions on which power of command would be given to Indian officers. But our position has been that so far as these mixed units are concerned and so long as you have mixed units, the opportunities for the Indian officer should be exactly the same as the opportunities for the British officer. Sir, we do not attach much importance to the question of pay. Personally I think salaries are pitched too high here and I am all for reduction of salaries all round. But we do attach a very great deal of importance to the question of status, to the question of opportunities for promotion. You say, Sir, that this question of promotion will not arise for the next 20 years. Well, you are safeguarding the interests of new recruits to the civil services and so far as those recruits are concerned the question of promotion will not arise in their case also for the next 20 years. That, Sir, I would submit in all humility is really no argument in favour of this discrimination. That there is discrimination cannot be denied. What you say is that you are really powerless in the matter. Very well, we are powerless to prevent you from passing this measure, but I would beg His Excellency to consider this, that when the regulations are being framed under the Act, as far as possible the spirit of our amendment should be incorporated in those regulations if he wants the country to be satisfied with this measure. The incorporation of this suggestion in the regulations is absolutely necessary.

Sir, I do not wish to take up any further time of the House. I will reiterate the view again that we are opposed to the Bill and we shall consider it a duty to vote against it.

With these words, Sir, I oppose the Bill.

THE HONOURABLE MR. P. C. D. CHARI (Burma: General): Sir, I do not wish to take much time at this final stage. My main objection to the Bill seems to have been misunderstood. What I said was that this Bill does not provide automatic rights of status and opportunities of promotion and powers of command to Indian officers in mixed formations. I explained carefully what I meant and it was contained in a nutshell in the proposed amendment. I wanted that the powers of command of an Indian officer should not be conditioned upon the occasions; it must be a statutory right, so that the Indian officers may not be at any disadvantage in a mixed formation *vis a vis* their British comrades. I also said that I would have no objection to a measure of this kind if we were given a definite assurance that theoretically at least there would be no distinction between British and Indian officers. I do not mean that Indian officers should be given command without proving their fitness for it, but only that they should have equal rights with British officers to be invested with command when the occasion arises. There is no provision of that sort in this Bill, and by your ruling, to which I bow, it is not possible for us to incorporate one. We do not know how the King's Regulations will be framed to meet our demand for equality and in these circumstances it is not possible for us to go back upon the stand which we had taken on the second reading.

[Mr. P. C. D. Chari.]

No doubt Indians have pressed for Indianization of the army, but I know of no school of thought which advocated a particular division or particular units being Indianized. All we have agitated for is a larger Indian personnel of officers in all divisions of the army with the opportunity of serving shoulder to shoulder with British officers. Somehow this scheme of one Indianized division has been hit upon and the responsibility for it does not rest on Indian politicians. It has been thrust upon them and now we have a Bill which seeks to carry out that scheme of Indianization of one division. This is based on the principle of segregation, and in addition the new Indian officer will be deprived of the support of the seasoned veteran soldiers who hold the Viceroy's commission. I look at that also from this angle, that if the Viceroy's commissioned officer is removed and the new Indian officer has to do the latter's work, the rank and file will regard the Indian officer as something inferior to the British officer to whom they were accustomed. In these circumstances I submit that this scheme of Indianizing one division is very disadvantageous for the Indian officer, and whether intended or not will be a serious handicap. In the course of years this will necessarily lead to the Indian division being found to be far inferior to the other five divisions of the army. Whether you intend it or not, I am reminded of the legal maxim in the law of torts that a man is presumed to intend the natural and probable consequences of his act. Whether you intend it or not, as a result of this handicap to which you are deliberately subjecting the Indian officer in the race for efficiency in soldiering, I believe at a future date there will be occasion for condemning him. The fault will lie wholly upon the Government of India and its advisers. I can visualise under these conditions the effect of the Indianization of one division and I have got a picture before me of the five other divisions which are not Indianized and of this division which is sought to be Indianized. Seeing this picture before me, I can say, several years in advance, in the words of the Prince of Denmark in *Hamlet*—

> "Look here upon this picture and on that,
> The counterfeit presentment of two brothers".

Sir, I cannot in these circumstances, when I find that the Indianization of this one division would lead to the condemnation of the Indian officer, I cannot, when I see this, give any support to the passage of this measure.

Sir, I oppose this Motion.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, we on this side of the House have appreciated the remarks of His Excellency the Commander-in-Chief, which he was pleased to make this morning. He is a man of great courage and only courageous men can do what he has done. We request him, Sir, that in future, whenever we have any occasion to differ we may differ in a better manner—and with a better mentality—and not impart any heat in debates. It is no doubt true, as His Excellency stated, that we are armchair politicians; we have never heard the whiz of bullets; but we have seen what other experts have stated. We took our stand, not on our own personal judgment, but on what we believe to have been the considered opinion of another military committee. I am referring to the Shea Committee. That

report did not come before the public, but we have heard about it from different sources. Sir Muhammad Shafi made the following statement. I am quoting from the Report of the Defence Sub-Committee.

> "I entirely agree that the scheme (of Indianization) which was framed (by the Shea Committee) in 1922 and the conclusions which were arrived at in 1922 were the result of very careful consideration".

He made this statement about a report which was made during his tenure of office in the Government of India and therefore he is supposed to know all about it. He further on stated as follows:

> ". . . . that scheme—having been very carefully considered and revised, and after revision, adopted unanimously by the Government of India, including Lord Reading, the late Lord Rawlinson, and all the Members of the Executive Council—is a scheme which is worthy of the serious consideration of this Sub-Committee".

The scheme which they framed was not for 28 Indian officers to the regiment. That scheme did not contemplate the abolition of the Viceroy's commission. That scheme contemplated an intake of much more Indians than the scheme which His Excellency the Commander-in-Chief has framed. In this connection I should like to remind that the Leader of the House took exception that we were late in the field in bringing forward this amendment in 1934.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Which amendment? I have not said anything.

THE HONOURABLE MR. HOSSAIN IMAM: Our objections.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Which objections?

THE HONOURABLE MR. HOSSAIN IMAM: About the abolition of the Viceroy's commission.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You are talking of the Resolution, not of the Bill.

THE HONOURABLE MR. HOSSAIN IMAM: The Bill includes several things pertinent to the new officers, and as such I humbly submit it is relevant. May I remind you, Sir, that at the time that His Excellency the Commander-in-Chief on the 25th May, 1931 announced the Government's decision about the intake of Indians as officers, *i.e.*, the numbers that will be taken in the Academy, he did it as the considered opinion of the executive Government, without hearing the advice of the members of that Committee. It was decided that the terms of reference had nothing to do about the number. In spite of this many members of the Committee have recorded their emphatic protest against those measures. The Indian members have been objecting to the scheme, and if we bring forward this matter at the present moment, four years after the Committee reported, it is only because this is the first opportunity which the Government has placed before us of dealing with the subject. I am in agreement with His Excellency the Commander-in-Chief that in military matters it is only the head of the army that should have the final say, if this decision were entirely dependent on military requirements. We would have left it entirely in his hands had there been not an element of politics in it. That comes in on account of the pace of

[Mr. Hossain Imam.]

Indianization. We have therefore the right. He was very kind enough in his speech this morning to suggest that if we are justified in taking up our stand for men of our nationality, he is also justified in standing up for British officers. I agree with him there. May I point out also that there is an invidious distinction made in clause 23 of the Bill. If a British officer can sit in judgment upon our Indian commissioned officers in a court-martial, consisting of officers holding British commissions, there is no power to the Indian commissioned officer to sit in judgment over their brethren. This is not a compulsory clause. I have brought this forward to the notice of His Excellency the Commander-in-Chief so that in future courts-martial care may be taken that only those officers sit in judgment who can come in under the Indian commission. There should be reciprocity in this. We on this side of the House do not see our way to acclaim this Bill which does not give us equality of status.

Sir, I oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I associate myself with the appreciative remarks that have been made by my colleague Mr. Hossain Imam for the way in which His Excellency the Commander-in-Chief has explained his position and withdrawn certain remarks and said that he never meant them. Sir, it is a fact that we felt those remarks very much, but I am glad the episode is over.

Now, Sir, coming to the Bill, I beg to differ from His Excellency that it does not contain clauses on which we need have conscientious objection. Sir, there are two principles in the Bill,—firstly that there is a differentiation between the Indian officers who will come out of the Dehra Dun Academy and British officers, at least so far as the mixed formations are concerned, and after so many years it was but proper that when this Academy has been established, there ought not to have been any differentiation. His Excellency was pleased to say that the Air Force Bill was received with acclamation in both Houses, and it contained the same provisions as this Bill. I quite agree with His Excellency, but he should remember that there is a difference between the two. The Air Force has very recently been established in India, while the army has been in existence for over 70 years, and in the army we have not made much improvements so far as Indianization is concerned. I think this is not only a blot on Indians but on those who have been in charge of the training of Indians also.

Then, Sir, the other principle in the Bill to which we take objection is the retarding of the progress of Indianization. By the abolition of the Viceroy's commissioned officers it will certainly take double the time to Indianize one complete regiment and, therefore, whatever may be said, it cannot be denied that the pace of Indianization will be retarded.

For these reasons, Sir, I oppose the Bill.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, I rise to support the Motion which His Excellency the Commander-in-Chief has just moved. I do not wish to detain the House with any lengthy remarks and would confine myself

to a few words. Age ripened by experience has much to forgive the impetuous youth though he may look down upon it with contempt. I am therefore to thank the Honourable Mr. Sapru, whom however I do not see in his place, for his courtesy and kindness in expressing his pity for "my pathetic belief in the infallibility of His Excellency the Commander-in-Chief". It was indeed very considerate of him! I do not think, Sir, that His Excellency is prepared to lay any claim to it. Nor do I believe that the Honourable Mr. Sapru can presume to it. I do not admit that I am endowed with it. To err is human all must admit. But barring that, is it not fair and honest that where credit is due it should be given and good faith and reliance placed on His Excellency's achievements in the various theatres of war and his unique administrative experience entitle him to great consideration apart from his identification with interests of the Indian Army. He has reduced the budget, saved about Rs. 10 crores through the economic drive as my Honourable colleague, Sir David Devadoss, has just stated. Nay more, he has resisted the demands of the War Office to equip the army with certain appliances that he did not consider suitable for warfare, in which the army in India may be engaged. Should not all these considerations weigh with us? May I remind the Honourable Members of what he once said in this House that when he was at the War Office he had to fight its battles *against India* and that since he took command in India, he has been fighting *for India against it*.

Sir, as a doctor I have been appealed to by my Honourable friend, Mr. Mehrotra, to find out some poison in the Bill. I however see none. If anyone sees poison when it is non-existent it is due to a morbid imagination or distorted vision. And as to cobras, they are the result of a nightmare after heavy indulgence!

Then, Sir, coming to the question of the inferiority complex, may I remind the House that at present there is in the Indian Medical Service the first Major-General of Bengal who is a Bengali and he has under him a large number of British officers. They do not believe it is an inferiority complex to serve under an Indian Major-General. I do believe similarly there have been three officiating Surgeons-General in the Bombay Presidency and no question of such a complex was raised. *Service* to one's own country should be the only consideration that should weigh in this regard if they are its true sons of India and love their motherland. Sir, even Mr. Gandhi himself did not accept the plea of an inferiority complex when he said he was prepared to sweep the streets of Ahmedabad as a sanitarian.

As regards vesting the control of the army in the Indian Legislature, I should say it would be an evil day when the Indian Army would be made the sport of any Legislature. We cannot imagine what ducks and drakes it will not play to the utter disregard of the vital interests of the country. Nothing would prevent it from ordering the Commander-in-Chief to reduce forthwith certain regiments or batteries, etc. Well, Sir, I would say that India would be wise to remain as it is and to retain its existing army administration for some years to come, until our officers have acquired the necessary experience to command operations, hold the higher posts and gain knowledge of administration. Let us not forget that "Ignorance is bliss when it is folly to be wise".

With these few remarks, Sir, I support the passage of the Bill.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): Sir, I had no mind to take part in this debate but after certain observations made by my friends the Honourable Saiyid Raza Ali at the first reading of the Bill and by Sir Nasarvanji Choksy today I cannot resist the temptation of saying a few words. If I heard him correctly the Honourable Saiyid Raza Ali said that Indian politicians have committed a great blunder in agitating for an Indian Sandhurst and spending so much money over the establishment of that institution. I beg to differ from him, Sir, on that point. But if he thinks that cadets coming out of the Indian Sandhurst are not equal in qualifications with those coming out of Sandhurst or Woolwich, as I said at the time of the first reading of the Bill, I think we who hold the opinion that there should be an Indian Sandhurst would be quite willing to support the Government if they raise the standard of education in our Indian Sandhurst at Dehra Dun.

Then, Sir, the Honourable Sir Nasarvanji Choksy just now said that it would be an evil day when the control of the Indian Army passed into the hands of the Indian Legislature. I am not able to agree with him on that point also, Sir, because we people who hold that the policy of the Indian Army should be under the control of the Indian Legislature do not say that we should try to deal with the details of its administration but that we should be allowed to control the policy and to look into the details. We, Sir, want His Excellency the Commander-in-Chief as an expert in military matters to deal with military defence, but as regards the broad policy it is our duty as Indians and it will be our incessant demand, Sir, that the policy should be controlled by the Indian Legislature as the representative of India.

I am very thankful to His Excellency, Sir, for giving an explanation for the language that he used yesterday and therefore I have nothing to say. But, Sir, I plead guilty to the charge that we on this side of the House as representatives of India will always and ever demand that the army should be Indianized. If His Excellency regards this as an offence we are ready to plead guilty to that charge but, Sir, as Indians and as representatives of the people we cannot fail in our duty to make a demand like that.

Then, Sir, a third point that occurs to me is as regards the voting by nominated Members. That point occurs to me because the Honourable Sir Ghulam Husain Hidayatallah made it perfectly clear on the first reading of the Bill that his views so far as the Bill is concerned are identical with ours, except that he being a nominated Member, he will have to act at the command of the Government. I therefore appeal to the Honourable the Leader of the House and the Government that the nominated Members should be left free——

THE HONOURABLE SIR GHULAM HUSAIN HIDAYATALLAH (Bombay: Nominated Non-Official): Sir, I rise to a personal explanation. I mince no matters. I owe my seat in this House to Government whom I consider as my constituency. As the Bill has been sponsored by Government, I am ready to vote with them, whatever my personal views may be. When I am elected, I will play a different role.

1 P. M.

THE HONOURABLE SAIYID RAZA ALI (United Provinces: Nominated Non-Official): I have received no mandate from the Government.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Here is a scene of disagreement of views between two nominated Members!

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): I am also a nominated Member. Government did not take any undertaking from me to vote with them, nor did I promise that I shall every time vote with them. I do not see where the mandate comes in?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Do you act according to your conscience always?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: I fully agree with the opinion of the Honourable Saiyid Raza Ali and I appeal to the Government to make them free to vote, if there is any doubt in the minds of the nominated Members. It is clear at least from the statement of two nominated Members, who have spoken just now ——

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Are they debarred from acting according to their own convictions?

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Certainly, you are not debarred from voting according to your convictions. You must vote according to your convictions and you should not be guided by the mandate of Government in voting on their side.

THE HONOURABLE SAIYID RAZA ALI: Sir, I will be very brief. In making my speech earlier in the day, I quoted from the despatch of the Government of India, wherein the views of an Indian Member of the Executive Council of the Governor General were discussed at some length and great importance was given to them. It would be interesting to know who that Member was? My own impression was that that Member was the Honourable Sir Fazl-i-Husain, Leader of our House. But in view of the remarks that have fallen from His Excellency the Commander-in-Chief, I have no doubt that the reference made in the Government of India despatch is to the Honourable the Leader of this House, the Honourable Khan Bahadur Mian Sir Fazl-i-Husain. All I can say is that I congratulate this House on having a Leader who had the judgment and wisdom to foresee in 1930 what course military affairs were likely to take in a few years.

I may add with reference to what the Honourable Mr. Kalikar has said that I never received any mandate from the Government to vote in any particular way, and so far as my knowledge goes, I do not think other nominated Members have received any mandate of this character. I generally vote according to my lights and try to act according to the best of my judgment. I believe the Opposition know this as only yesterday I was one of those who abstained from voting. I think they are hopelessly wrong in assuming that any mandates are issued from the Government to us and that we, nominated Members, vote according to those mandates.

Sir, I support the Bill.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, may I say that it was very dramatic—perhaps stagey, would be the more appropriate word—of the Honourable Mr. Kalikar to have used the expressions he did. The Honourable Mr. Kalikar raised the question of voting. He cannot be so very much of a novice in the field of politics as to imagine that any one is going to believe that he is always voting according to his conscience. There is no question that the Party organization, which was invented by somebody years ago, was to kill individual conscience. You cannot say, "We, elected Members, always vote according to our conscience. The nominated Members have got no conscience."

THE HONOURABLE MR. HOSSAIN IMAM: Which is their Party?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: You will soon understand. The Honourable the Deputy Leader of the Opposition has more than once assured many of his friends that his personal views go one way, the views of his constituency go another way, and the views of his Party still another way, his conscience can be but in one place at a time! No one in this House who has taken part in public life can deny it. To talk of nominated Members in that spirit and in that tone is not right. I most respectfully beg of those who call themselves Progressives not to indulge in that sort of talk.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: I never meant it in that way.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I have been an elected Member myself for many more years than most of the Members opposite. I have the highest regard for the elected Members. But my experience in more Legislatures than one has convinced me that in the matter of voting, in the matter of conscience, in the matter of discipline, there is not much to choose between them. If one Member wants to take pride in his own position and indulge in sneers, he should remember that this is a game in which others also can indulge. Sir, I have now been for quite a long time in the House. I have had no occasion to exercise that discipline which the Opposition does exercise. I do not ask people to support me whether they have the same views as I have or not. I absolutely abstain from doing that. My reason for intervening at this stage was that unfortunately the Honourable Mr. Kalikar made such a fuss about the matter of voting. The Honourable Member from Bombay, who represents the Bombay Government——

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: The observations made by the Honourable Sir Ghulam Husain Hidayatallah prompted me to make the remarks.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Mr. Kalikar can meet the Honourable Sir Ghulam Husain Hidayatallah and the two can settle the matter between themselves. I have absolutely no objection to it. But to make a scene of it on the floor of the House this is what I object to. I have not the slightest doubt that the Honourable Sir Ghulam Husain Hidayatallah made this remark simply to relieve the monotony of the debate and bring some humour into it. But the Honourable Mr. Kalikar has read something into it which I have not the slightest doubt the

Honourable Sir Ghulam Husain Hidayatallah never intended. I trust that this matter will be treated as closed now.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I will not go in fear of my life by keeping the Council here when we are so near lunch time, because practically everything that has been said in the last stage of the Bill was the same as has been said before, dressed up in rather different language. We in England say, when a lady of a certain age assume the habits and costume of a lady younger than herself, that she is "mutton dressed as lamb", and I think that this applies to some of the speeches which we have heard in the last stages of the Bill. Beneath the smiling face of the lamb, we know that there is the old, tough, and stringy mutton which we have heard so much in the last few days.

There are three points to which I wish to refer. The first point is that made by the Honourable Mr. Sapru. He said, "What is reciprocity?" He did not quote the context in which I used the phrase, which was "reciprocity within the Indian Army", and that we intend to be absolute. The two forms of commission will have absolutely independent powers of command. It is quite obvious that if we do not do so the thing will be impossible. We could not have young officers joining from England and commanding Indian officers with 10 or 12 years' service. Therefore the powers will be, inside the Indian Army, as far as we can make them, absolutely reciprocal. I think it was the Honourable Mr. Hossain Imam who again said that politicians have never heard the views of the military. I again repeat what I have said fifty times in this House and elsewhere. We have nothing to conceal from you. It is your right, as you find the money, to know what is going on in the army and how that money is being spent, and I am always ready and my officers are always ready, if you will give us a day's notice as to what you want to know, to meet you at any place or time and give you the fullest explanation. This is not the first time I have said that, but it is extraordinary how few ever turn up to take advantage of it.

THE HONOURABLE MR. HOSSAIN IMAM: May I point out that the question I put as to the expenditure on State forces was disallowed only yesterday.

THE HONOURABLE THE PRESIDENT: That has nothing to do with His Excellency. To allow or disallow a question rests with the President.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: There is only one other remark I have to make and that is that the Honourable Mr. Kalikar rather enlarged on the question that the administration of the Indian Army should be under the Indian Legislature. Surely, this Bill is the first step we are taking to that end. If this Bill was not passed these young Indian officers would continue to remain under the Army Act and under the War Office. By this Act we are taking the first step in a progressive stage by which you will get more and more control in the affairs of the army. That is all I have to say.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as passed by the Legislative Assembly, be passed."

The Council divided:

AYES—26.

Akbar Khan, the Honourable Major Nawab Sir Mahomed.
Charanjit Singh, the Honourable Raja.
Choksy, the Honourable Khan Bahadur Dr. Sir Nasarvanji.
Commander-in-Chief, His Excellency the.
Crosthwaite, the Honourable Mr. H. S.
Devadoss, the Honourable Sir David.
Fazl-i-Husain, the Honourable Khan Bahadur Mian Sir.
Gladstone, the Honourable Mr. S. D.
Glass, the Honourable Mr. J. B.
Hallett, the Honourable Mr. M. G.
Hidayatallah, the Honourable Sir Ghulam Husain.
Kameshwar Singh of Darbhanga, the Honourable Maharajadhiraja Sir.
Menon, the Honourable Diwan Bahadur Sir Ramunni.
Miller, the Honourable Mr. E.
Mitchell, the Honourable Mr. D. G.
Muhammad Hussain, the Honourable Mian Ali Baksh.
Noon, the Honourable Nawab Malik Mohammad Hayat Khan.
Parsons, the Honourable Sir Alan.
Philip, the Honourable Mr. C. L.
Ray of Dinajpur, the Honourable Maharaja Jagadish Nath.
Russell, the Honourable Sir Guthrie.
Spence, the Honourable Mr. G. H.
Stewart, the Honourable Mr. F. W.
Stewart, the Honourable Mr. T. A.
Ugra, the Honourable Rai Sahib Pandit Gokaran Nath.
Wingate, the Honourable Mr. R. E. L.

NOES—8.

Banerjee, the Honourable Mr. Jagadish Chandra.
Chari, the Honourable Mr. P. C. D.
Gounder, the Honourable Mr. V. C. Vellingiri.
Hossain Imam, the Honourable Mr.
Kalikar, the Honourable Mr. Vinayak Vithal.
Mehrotra, the Honourable Rai Bahadur Lala Mathura Prasad.
Ram Saran Das, the Honourable Rai Bahadur Lala.
Sapru, the Honourable Pandit Prakash Narain.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: The Council will now adjourn till 3 P.M., but I must inform Honourable Members that I am determined to close the work of this session this evening and Honourable Members will please come prepared to sit till a late hour.

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

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

INDIAN NAVY (DISCIPLINE) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, as passed by the Legislative Assembly, be taken into consideration."

Sir, I used a simile when I introduced the Army Bill and I will continue that simile. The ship of the Army Bill had a somewhat
3 P.M. stormy passage and no one really regrets that more than I do. I fully understood the feelings of those who genuinely thought as they did about the Bill and if they genuinely thought like that, they had to oppose it. At the same time I have a very strong feeling myself that that Bill was on the part of Government a genuine effort to take a step forward; but we have got through those stormy waters. Now are we launching a new ship, and a real naval ship, this time, and from the quite easy passage it had in another place and the meteorological prophesies, I have every hope that our voyage will be a very short and a happy one. I felt when that Bill was coming up in another place that there were certain difficulties and technicalities about it, which I and my Army Secretary were not fully able to explain. I therefore asked the Admiral Commanding the Royal Indian Marine to come up from Bombay and met the Committee of the other House and offer them any explanation of the measure we were introducing which they might require; he come up and I understand that he had little difficulty in satisfying the inquiries of Members of the other House. Naturally I have had no opportunity of keeping him up here any longer to help us, but I think most of us must have heard something about the explanations that he gave. This Bill, to the great surprise of the Government, was defeated by one vote in 1928. It was then referred to circulation last February and, as far as I saw, all the opinions expressed as a result of that circulation were in favour. As far as we can make out, the main objection to the Bill, when it was first introduced and on previous occasions, was that it was alleged to conceal rather an underhand attempt to build up a large Indian navy at the cost of the Indian taxpayer available for imperial purposes as a sort of reserve to the Royal Navy, to be used without those who paid for it being in any way consulted. It was of course perfectly true that we did give, and have again given and intend to give an undertaking that wherever it is possible the Central Parliament of India shall be consulted on any occasion on which the Indian Navy, which is to be so named after this Bill, will be used; but it is perfectly obvious that there might possibly be occasions on which it would be quite impossible to do so. Modern war is getting quicker and quicker every day, and with swift ships, swifter aeroplanes, which will now be employed in war, it is extremely unlikely that any enemy, having hostile intentions, will be so kind as to give us notice of it. If that is so and war breaks out suddenly upon this Empire in any part of the world or on any part of it, I think you will agree that the Central Government of the Empire and the Governments of any part of the Empire would be very unwise indeed if they did not invest their executive with the power to go so far at least as to take immediate measures to meet the emergency and to summon Parliament as soon after as it is possible to vote the necessary credits and prove of their policy. The Indian Navy, as it is now and is likely to be for many years, can hardly be described as a fighting force in the sense that it would be able to compete with armoured ships of any of the great powers. The sole *raison d'etre* of the Indian Navy is local naval defence, that is to say, minesweeping, anti-submarine work, the local seaward defence of ports, convoy duties, and so on. I may suggest at this stage that it would be well for Members of the Indian Legislature to remember how very weak India is in naval matters,

[His Excellency the Commander-in-Chief.]

if ships of the Royal Navy happen to be engaged elsewhere. We had a taste of that when the "Emden", an enemy cruiser, shelled Madras and we so far have not sufficient naval equipment to mine and make the approaches to any of our great ports difficult of access to enemy vessels, which might make a world of difference in certain situations.

It would seem obvious to the meanest intelligence that there must be one great co-ordinating authority if the Empire is at war. I do not for a moment say that there might not be occasions in small wars in which one part of the Empire would be engaged in small operations and the other parts would not have to join in. But if the war is a really serious one and the whole Empire is engaged and that war affects the safety of the whole Empire, I for one cannot see where India differs from New Zealand, Canada, Australia or the British Isles. If one falls the rest fall with it.

I do not for a moment mean that the Indian Navy, as it is constituted now or as it is likely to be constituted for many years, would be able to take part in war in European waters, or against Japan, America or far-distant powers, or in other remote contingencies which might befall the Empire. But I do suggest that, if we insist that the Indian Navy is only to be employed absolutely in what might be called territorial waters, that is within the four-mile limit, that might be an extremely risky thing to do. For instance, it is quite possible that, if we engaged in a sudden war, to keep open our communications with the West might be of vastly more importance than the fact of one of our ports being shelled by a hostile cruiser. For instance, it might be necessary and wise and the Admiral on the spot might advise that your Navy might be employed at the port of Aden. We might possibly lose our Burma oil supplies through mischance. And it might be necessary for the Indian Navy to keep open the ports of the Anglo-Persian Oilfields. Or it might be an even more serious case of keeping open the passage to the great naval base at Singapore. That is what I would like to impress upon you. You may be perfectly certain that the Navy which you are building up now will never be used outside what you might call eastern waters except with the full consent of the Indian Parliament but, outside your own territorial waters, it would be distinctly foolish if you do not allow the Admiral on the spot to make use of it in that manner.

The other objection was the slowness of Indianization. In 1928, it was announced that the ratio adopted was one Indian to two British, which meant one Indian officer a year. The first officer was taken on that year, and now we have 14 officers or officers-designate, instead of the six or seven that we anticipated. That seems to us a very good record seeing that it takes five years to train an Indian naval officer. The total cadre is 117. At present, however, only three officers and officers-designate are actually serving with the squadron.

Now, in regard to the first objection,—employment outside your own waters,—at the present moment the Admiralty can commandeer the whole of our Royal Indian Marine in time of war without asking any one. Under the amendments to the Government of India Act that were passed in 1927,

but which will not become operative till this Bill is passed, the naval forces of India will be used for the purposes of the Government of India alone, except that, if the Governor General declares a state of emergency, the Governor General in Council may offer those forces to the Admiralty, and I would add, within what is, I suppose, a short time the Governor General in Council will no longer exist and it will be Viceroy acting on the advice of his Cabinet, which is a different thing, a more Indian affair.

Defence is likely to be reserved under the new constitution, and the question to be answered is whether Indians are prepared to let their naval forces retain their present inferior status till defence ceases to be reserved, or whether they are ready to take advantage of the present opportunity to obtain for them the added status of a navy, with all that that and connexion with the Royal Navy means both in morale and satisfaction and I think efficiency.

Outside Indian waters as they at present exist, the Royal Indian Marine has no status whatever. Even if we send a party of officers and men to England to fetch out your new sloop "The Indus", they would have no status whatever. Nor would they be subject to any disciplinary code once they passed out of Indian waters. But if the Bill is passed, that will be rectified.

I can assure the House of one thing,—that their own navy, now gradually Indianizing, is one of the best military propositions which we have in India today, under the most able directorship of Admiral Sir Humphrey Walwyn, and I only wish that, when Members happen to be in Bombay, they would arrange with the Admiral to go over one of the ships, if they happen to be in port, and the training vessel; and I can assure them that they would not only be astonished at but very proud of what they see.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, the Bill that has been just placed before this House by His Excellency the Commander-in-Chief has, I take it, one object only and that is to make the necessary modifications to suit Indian conditions to the provisions of the British Naval Discipline Act. Now, Sir, a very pertinent question that comes into my mind is this. When did this navy come into existence? and with whose consent was it brought into existence? Sir, I have read the proceedings of both the Legislatures and I could not find that the Legislatures were ever consulted over the establishment of this navy. A similar Act was brought before the Legislative Assembly on the 21st of February, 1928. That is all that I could find from the proceedings of the Central Legislature. Sir, when the motion for reference to the Select Committee was made by Mr. Young, the then Army Secretary, it was opposed tooth and nail. The Legislative Assembly of the time, as we all know, consisted of some of the best brains of our country,—men like Pandit Madan Mohan Malaviya, Mr. Jinnah, Pandit Motilal Nehru, Lala Lajpat Rai, — and they all opposed the motion for reference to Select Committee. The result was that when the division was called the Bill was thrown out and it was never referred to Select Committee.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Since then, we have heard nothing about the Bill. It was only during this session that Government has chosen to bring the Bill before the Assembly again.

Sir, the Bill has two chief objections from our point of view. Firstly, the pace of Indianization would not only not be short but be very long. We have just heard from His Excellency the Commander-in-Chief that at present there are 117 officers in the navy. Out of these there are only three Indians and the rate of inclusion of Indians in the naval forces that was laid down by the Rawlinson Committee, on which this Bill has been framed, and moved in Parliament is one to two, that is one Indian to two British officers every year.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I said, Sir, there were only three in existence but a much larger number who were in training and were just coming in.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir. May I ask His Excellency the Commander-in-Chief whether the principle that has been accepted that one Indian will be taken every year for two British officers will also be changed ? Unless that principle is changed, the result will be that it will take about 228 years to Indianize the naval forces. Unless the policy set forth in the Rawlinson Committee Report and accepted by the British Parliament is changed, that will be the result. That is my first objection.

My second objection is that the real control of the navy will be in the hands of the War Office. I quite appreciate the remarks of His Excellency the Commander-in-Chief when he said that the navy will not be used without the consent of the Legislatures unless on emergent occasions. But, Sir, these are the assurances of His Excellency. I do not know whether the Admiralty and Parliament are going to follow them or not ? As I find from the debates of Parliament, it is very difficult. Pointed questions were put in Parliament and no satisfactory answer was given by the Secretary of State for India.

Sir, I would crave a little indulgence of the House and of you, Sir, to go very briefly into the naval history of India. I will not take more than five minutes. In 1612, the force was in existence. It was paid and controlled by the East India Company. In 1862, the British Government decided to take over charge of the naval defence of India from the East Indian Company and they established the Royal Indian Marine. In 1884, an Act of Parliament was passed by which the name of this force was changed to the Royal Indian Marine. It was just before the beginning of the Great War that this force was taken over by the British Royal Naval Force and used in the Great War. After that in 1919, when the war was over, the question was examined at great length by Admiral Lord Jellicoe as to what was to be done with this force and how it should be named. The examination went on from year to year and special attention was paid to it in 1922 and 1924 by the Naval Commander-in-Chief. It was only in 1925-26 that a Departmental Committee presided over by the late Lord Rawlinson was set up. That Committee went through the question very thoroughly and submitted a report. On that report, a Bill was introduced in the House of Commons on 9th March, 1927. Sir, the Bill was hotly discussed there and opposed by a large number of Members, but it was passed. Those Members who opposed this Bill held the same opinions which we give expression to here. I hope, Sir, that if I quote from the opinions of two or three Honourable Members of Parliament, it will carry greater weight in this House, because they are certainly not armchair politicians, but, trained politicians of a self-governing nation. We, Sir, have been called armchair politicians, who do not know these things, but the British statesmen in the House of Commons cannot be dealt with so lightly. Sir, when the Under Secretary of State for India, Earl Winterton, moved :

"That the Bill be now read a Second Time ",

an Honourable Member, Mr. Ammon, moved an amendment to the Motion of the Under Secretary as follows :

"That this House, being desirous of extending the powers of the elected representatives of the Indian people in the control of Indian affairs, cannot assent to the Second Reading of a Bill for the provision of an Indian Navy which fails to place such Navy under the control of the Indian Legislative Assembly, has not been submitted to and approved by that Assembly, and incidentally involves an increase in Imperial Naval Forces ".

Sir, the object of the amendment was very clear. The Legislatures in India had not been consulted. That was the first objection. The second objection was that the Legislatures will have no control over the navy, and the third objection was that it will be paid by the Indian Government. These were the three objections on which the Honourable Member moved the amendment. That amendment was hotly discussed and defeated at the end.

THE HONOURABLE SAIYID RAZA ALI : What was the voting ? By how many votes was it defeated ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : The voting was, Ayes 245 ; Noes 117. That is, as many as 117 Members were in favour of this amendment. So, my Honourable friend Saiyid Raza Ali will be satisfied that a large section of the House of Commons was against the Bill. While making his speech, Mr. Ammon made certain observations, and these observations are exactly what we are placing this afternoon before the Government. He said :

"It is nonsense to talk about this Indian Navy being an Indian Navy in the real sense of the term, because the only people who are excluded from it are the Indians themselves ".

Mark the strong language in which he put forward his argument. Further on he said :

"The Rawlinson Committee recommended in regard to the recruitment of executive officers in the proposed Indian Navy, that they would be required at the rate of three a year * * * but only one appointment every year should be reserved for an Indian boy ".

That is what we have just said. Further on he said :

"In face of that is it not absurd to talk about this being an Indian Navy ? It is simply a proposal to supplement the British Navy and impose it upon the Indian people ".

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

He proceeded :

" All the lower ranks we are told will eventually consist of Indians. It simply means that probably the more unpleasant work, the work which is more difficult for Europeans to carry out, is going to be given to the Indian people, but they are not to have their own nationals to officer them, nor are they to be trusted in that particular respect ".

In this sentence he puts in a nutshell the position of the Indians under the Indian Naval Forces Act. Sir, I would only quote one sentence more from his speech. He said :

" Every one who has had any contact with the Navy knows that you can see Chinese, Japanese and all other nationals being trained in our Royal Navy as officers, yet there is no such provision made for Indians ".

So he put before the House that they took all other nationals but Indians for training in the Royal Navy, and therefore he objected to the Bill and moved that amendment. He was supported by Lieutenant-Commander Kenworthy, some of whose observations I would place before the House. He said :

" What chance have they had in the past ? During my short service I actually served in our ships with Chinese cadets, Turkish and Siamese officers and Japanese. Even Chilean officers had been given a chance of serving in our Navy. The Siamese officers passed right through the training ship and became officers in the Siamese navy ".

He was a naval officer himself and he gave his own experience of the training of all other nationals but Indians.

THE HONOURABLE THE PRESIDENT : You are not going through the whole book !

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : No, Sir. The observations of this side of the House were lightly treated on the Army Bill, so I have thought it proper to place the observations of British politicians before the House after carefully studying the whole debate in the House of Commons.

THE HONOURABLE THE PRESIDENT : Those who are interested can read it for themselves.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : It is not done. Sir, further on he said :

" When 20 or 30 years ago we wished to encourage the formation of Colonial navies, we took special steps to induce the sons of Colonials to join the Navy and we gave them Colonial cadetships. Why is that not being done henceforward with regard to the Indian Navy ? If you are earnest in making this new Dominion Navy, why do you not take up this matter in a large way ?"

Sir, I will not read other passages from his speech. I will now come to the speech of Colonel Wedgwood. In opposing the Bill and supporting the amendment, he said :

" The grievance I have found it most difficult to answer is the accusation that in our occupation of India we have created in Indians a slave mentality, that we have by our administration of India destroyed their self-respect. It is obvious to any of us who go to India that they, like many other people, suffer from the inferiority complex. To my mind the most important work we can do in India and in this country also is to destroy the inferiority complex from which so many people seem to suffer. How can we destroy it in India ? We are doing something by making them, if only to a slight degree responsible for their own government, but I do not believe you will ever create self-respect in any people till they are in a position to defend themselves. I look upon the development of an Indian navy as a step in the same direction. It is humiliating to any people to be told that they may only serve in the stokeholds or in the ranks, and that they can only occupy administrative posts of an inferior degree ".

Later on he said :

" Just as we took Australians, Canadians and New Zealanders in the Navy as Colonial cadets, just as they are taken in the army, in order to bring the Empire together and to create in our great Dominions overseas a feeling of solidarity with ourselves, so, instead of confining our attention to the new Indian Navy, I would have brought Indians over here and put them in the British Navy. Half the difficulty in India today comes from this infernal feeling of superiority on the one side and inferiority on the other. If we could knock that feeling out by treating Indians just as if they were Australians, then we should find that they are exactly like Australians. If you expect people to accept the position of inferiority they will only be fit to be inferiors. It is a question of atmosphere. Insist that people are capable of defending themselves and they will defend themselves. But if you expect them always to run away, they will run away. That is the whole essence of what we call morale in the army and navy ".

I cannot place the feelings of our countrymen in stronger terms than my friend has used in the House of Commons, and therefore I have quoted this important passage from his speech. Sir, another Honourable Member, Mr. Lansbury, also supported the amendment and opposed the Bill. He made one or two important observations. He said :

" Whatever results from this Bill, the people of India will pay for it and we shall have the management of it. It will be under our control ".

Sir, these observations were not refuted from the Treasury benches. This shows that in spite of the assurance that His Excellency the Commander-in-Chief has chosen to give here, the control will rest with the Admiralty or the British Parliament unless any assurance comes to that effect from them. Had the intention of Government been otherwise they would have challenged these statements made in the House of Commons. Sir, I will finish these tiring quotations, with the remarks of another Honourable Member of Parliament, Mr. Barker, on the Third Reading of the Bill. He said :

" The Singapore policy may be right or wrong. At any rate it would be honest for the Government to say why it is bringing in this measure. It is an insult to the Indian people to say that we are creating this navy for the purpose of giving prestige to India. It is sheer humbug and the Government know it very well. The object is to defend this country against Japan and to use the Indian people for that purpose. If the Government were honest they would say so. But they are not honest. They are trying to cloak this measure, and I am glad that I am in the House to vote against it ".

This is from the speech of Mr. Barker, a member of the House of Commons. Sir, look at the strong language with which he opposed the Bill and the plain language in which he has laid open the whole policy of the Government by saying that the object of creating this navy is to strengthen the forces to be used against Japan and to strengthen the Singapore base of operation.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Japan would make short work of it in no time.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : May I tell the

[Major Nawab Sir Mahomed Akbar Khan.]

Honourable gentleman if it is intended to be used against Japan we have got no relationship with Japan so that we should grudge it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have not given my views that this is going to be used against Japan. I have given the views of a Member of the House of Commons. I do not know what is at the back of the mind of the Government.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Not worth bothering about as long as you know what is in the mind of the Government——

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: If the Leader of the House finds any objection to the use of the words " at the back of the mind " I will submit I do not know what is in the mind of the Government.

Sir, these are the points on account of which we in this country are opposed to the Bill. These were the reasons on which when the Bill was going to be referred to a Select Committee in 1928 it was thrown out by the Assembly. This time we know what kind of Assembly there is and how easy it was for the Government to get all contentious measures passed through the Assembly. Therefore, Sir, at the fag end of the season they have chosen to bring this Bill and get it through, as well as the Army Amendment Bill.

Sir, with these observations, I oppose the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I cannot feel that I should waste the time of the House in replying at great length to the only opposition I heard which was from the Honourable Mr. Mehrotra. I might refer just very shortly to one or two of his points. First of all, the ratio of 1 to 2. The ratio of 1 to 2 has nothing sacred about it; but we are now putting it into force, and as a matter of fact Admiral Walwyn has more than once recommended that it should be increased. He considers that the Indian has already shown himself fit for an increase on that. When he says it, that will be considered and I hope brought about before very long. (Applause.) He is our expert. I thought I heard enough of the War Office from the Honourable Mr. Mehrotra; but when he abuses the War Office because it controls the Indian navy I really must protest. The quotation from the House of Commons is an unfortunate one and it is a particularly unfortunate choice of my service champion. It is not usual to speak ill of anybody from the floor of the House who is not there to answer for it. I can say—and all my British colleagues here will say—that the choice of the names he selected is distinctly unfortunate.

There is one thing which I wish to quote and then I have done. It is with regard to the employment of your navy for imperial purposes. It seems to me that very few Honourable Members have grasped that there is a clause in the Government of India Act of 1927 which is very definite about that. Perhaps they may have read it and forgotten it. I will just read it now. This is section 44A of the Government of India (Indian Navy) Act, 1927:

" Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government

of India alone, except that if the Governor General declares that a state of emergency exists which justifies such action, the Governor General in Council may place at the disposal of the Admiralty all or any of such forces and vessels, and thereupon it shall be lawful for the Admiralty to accept such offer ".

Except in those circumstances, I contend—and I said so in my speech of introduction—that the Governor General in Council or his successor, when that comes about, the Viceregal Cabinet will not do that for a moment without taking consultation of his advisers. It would place him in an almost impossible position if he did so. I contend, Sir, that, whatever the Honourable Mr. Mehrotra may have said, what we are introducing now and what we are doing with regard to the Indian Navy opens up a new chapter. There may have been mistakes before and differences of opinion, but this new chapter —I think the House will agree—is a genuine advance, a genuine attempt on our part to give your navy the status which it most certainly deserves. (Applause.)

THE HONOURABLE THE PRESIDENT: The Question is:

" That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy, 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 First Schedule was added to the Bill.

The Second Schedule 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.

AMENDING BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

" That the Bill to amend certain enactments, as passed by the Legislative Assembly, be taken into consideration."

Sir, there is nothing contentious about this Bill. It is a direct consequence of the passing of the Indian Navy (Discipline) Act, in that it seeks to give to the members of the new Royal Indian Navy the same civil rights and liabilities as the personnel of His Majesty's Military and Air Forces already have. To attain this object, it is necessary to make formal amendments in a number of existing laws. The majority of the amendments consist in adding the word " sailor " between the words " soldier " and " airman," in adding a reference to the Naval Discipline Act, or that Act as modified by the Indian Navy (Discipline) Act, beside the Indian Army Act and other similar enactments, or in omitting references to the Royal Indian Marine. In one or two cases the

[His Excellency the Commander-in-Chief.]

opportunity has been taken to provide for " airman " also, where they have been omitted before.

Sir, I move.

The Motion was adopted.

The Schedule was added to the Bill.

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.

The Council then adjourned *sine die*.

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தமிழ்நாடு ஆவணக்காப்பக நூலகம்,
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தவணைத்தாள்.

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