

$\overline{D}$
V2,32' N35
N35.2
60.505

THE ¹⁹²
COUNCIL OF STATE DEBATES

VOLUME II, 1935

(16th to 28th September, 1935)

TENTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1935



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1936.

CONTENTS.

	PAGES.
Monday, 16th September, 1935—	
Address by His Excellency the Viceroy to the Members of the Council of State and the Legislative Assembly	1—13
Tuesday, 17th September, 1935—	
Members Sworn	15
Questions and Answers	15—61
Motion for Adjournment <i>re</i> despatch of troops to Abyssinia—Leave to move, granted	61—62
Statements laid on the table	62—70
Message from His Majesty the King Emperor	70
Message from His Excellency the Governor General	70—71
Committee on Petitions	71
Congratulations to recipients of Honours	71—73
Governor General's Assent to Bills	73
Message from the Legislative Assembly	73
Deaths of Mr. P. C. Desika Chari, Sir John Thompson, Sir Basil Blackett and Sir Deva Prasad Sarvadhikary	73—76
Bills passed by the Legislative Assembly laid on the table	76
Motion for the election of one non-official Member to the Standing Committee on Emigration, <i>vice</i> Mr. B. K. Basu	76
Motion for the election of one non-official Member to the Standing Committee for Roads, <i>vice</i> Sir Ernest Miller	77
Resolution <i>re</i> reduction of the import duty on carbon blocks—Adopted	77—78
Motion for Adjournment <i>re</i> despatch of troops to Abyssinia—Withdrawn	78—86
Wednesday, 18th September, 1935—	
Member Sworn	87
Questions and Answers	87—122
Motion for Adjournment <i>re</i> unsatisfactory terms and constitution of the Special Tariff Board on the Indian textile industry—Leave to move, not granted	123—24
Message from His Excellency the Governor General	125
Criminal Law Amendment Bill laid on the table	125
Statement of Business	125
Resolution <i>re</i> initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee—Adopted, as amended	126—44
Resolution <i>re</i> removal of sex disqualification and enfranchisement of women qualified to vote at Council of State elections—Adopted	144—46
Resolution <i>re</i> recruitment of 100 British Service officers for the Indian Army—Withdrawn	146—52
Indian Milch Cattle Protection Bill—Motion for reference to Joint Committee, negatived	152—59
Resolution <i>re</i> provision for a separate whole-time Secretary to the Government of India in charge of "Indians Overseas"—Withdrawn	160—66

Friday, 20th September, 1935—

Member Sworn	167
Questions and Answers	167—86
Bills passed by the Legislative Assembly laid on the table	186
Nomination of non-official Members for election to the Standing Committee on Emigration	186
Election of a non-official Member to the Standing Committee for Roads	186—87
Resolution <i>re</i> glass industry—Negatived	187—203
Resolution <i>re</i> flotation of sterling loans—Negatived	203—16
Resolution <i>re</i> proposed reservation of the highlands in Kenya for Europeans—Withdrawn	216—22
Statement of Business	222

Saturday, 21st September, 1935—

Statement laid on the table	223
Motion for the election of one non-official Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department—Adopted	223
Motion for the election of one non-official Member to the Central Advisory Board of Education—Adopted	224
Indian Army (Amendment) Bill—Considered and passed	224—25
Central Provinces Courts (Supplementary) Bill—Considered and passed	225
Provincial Small Cause Courts (Amendment) Bill—Considered and passed	225—26
Provincial Insolvency (Amendment) Bill—Considered and passed	226—27

Monday, 23rd September, 1935—

Questions and Answers	229—37
Criminal Law Amendment Bill—Motion for consideration— <i>not concluded</i>	237—86

Tuesday, 24th September, 1935—

Bill passed by the Legislative Assembly laid on the table	287
Nominations for the election of one non-official Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department	287
Nominations for the election of one non-official Member to the Central Advisory Board of Education	287
Election of one non-official Member to the Standing Committee on Emigration	288
Resolution <i>re</i> contribution by His Majesty's Government towards the maintenance of the British Army in India—Withdrawn	288—92
Madras City Hindu Temples Bill—Motion for reference to Joint Committee, adopted	292—301
Resolution <i>re</i> increase in the number of cadets admitted to the Indian Military Academy, Dehra Dun—Negatived	301—08

Wednesday, 25th September, 1935—

Questions and Answers	309—12
Criminal Law Amendment Bill—Motion for consideration, adopted; Consideration of clauses— <i>not concluded</i>	312—63

Thursday, 26th September, 1935—

Bill passed by the Legislative Assembly laid on the table	365
Statement of Business	365—66
Parsi Marriage and Divorce Bill—Presentation of the Report of the Joint Committee	366
Durgah Khwaja Saheb Bill—Motion to introduce, adopted	366—67 ✓
Resolution <i>re</i> improvement of jail libraries—Adopted	367—71
Resolution <i>re</i> purchase of gold—Negatived	371—84
Criminal Law Amendment Bill—Considered and passed	384
Resolution <i>re</i> employment of women during the night—Adopted	384—85
Factories (Amendment) Bill—Considered and passed	385
Repealing and Amending Bill—Considered and passed	385—86

Saturday, 28th September, 1935—

Questions and Answers	387—401
Short Notice Question and Answer	401—03
Statements laid on the table	403—04
Indian Coffee Cess Bill—Considered and passed	404—09
Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—Considered and passed	409—12
Ballot for the election of one non-official Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department	412
Ballot for the election of one non-official Member to the Central Advisory Board of Education	413
Result of the election to the Standing Advisory Committee for the Indian Posts and Telegraphs Department	413
Result of the election to the Central Advisory Board of Education	413
Farewell address to His Excellency the Commander-in-Chief	413—17

Index to the Council of State Debates

Volume II, 1935

A

ABYSSINIA—
See "INDIANS".
See "PROTECTION".
See "TROOPS".

ACCIDENT—
Question *re*—
— at Barrackpore railway station,
Eastern Bengal Railway. 31.
— at Serajganj goods yard, East-
ern Bengal Railway. 31-32.

ACCOUNTS—
See "GOVERNMENT OF INDIA —".

ACT—
Indian Companies—
Question *re* revision of the —, 96.

ADVISORY COMMITTEE—
See "HARDWAR IMPROVEMENT —".

**AERONAUTICAL TRAINING CENTRE,
DELHI**—
Question *re* —. 310-11.

AGREEMENT(S)—
Question *re*—
— entered into between the pro-
vinces and the Reserve Bank of
India. 233.
— entered into by the Reserve
Bank of India with the Imperial
Bank of India. 175.
Statement (laid on the table) *re*—
Agreement between the Reserve
Bank of India and the Imperial
Bank of India. 65-68.
— between the Secretary of State
for India in Council and the
Reserve Bank of India. 62-65.
See "TRADE —".

AGRICULTURAL CREDIT DEPARTMENT—
Question *re* —, Reserve Bank of
India. 234.

AGRICULTURE—
Question *re* recommendation of the
Central Banking Enquiry
Committee for the creation of special
institutions for the financing of
— and industry. 100.
See "ROYAL COMMISSION ON —".

ALARM SIGNAL CHAINS—
Question *re* — in the railway car-
riages of the Dibru-Sadiya Railway.
387.

**ALIGARH MUSLIM UNIVERSITY (AMEND-
MENT) BILL**—
See "—" under "BILL".

ANGLO-INDIANS—
Question *re*—
Number of Europeans, — and
Indians in the various Port Trusts
on posts carrying an initial salary
of Rs. 500 and upwards. 99.
Percentage of —, Hindus and
Muhammadans on the Bengal
and North-Western Railway.
392.

ANIMALS—
See "DOMESTICATED —".

ANTI-INDIAN FILMS—
Question *re* —. 24-25.

ARMY—
See "INDIAN —".

ARMY (AMENDMENT) BILL—
See "INDIAN —" under "BILL".

ARMY HEADQUARTERS—
Question *re*—
Number of clerks recruited from the
Indian Army Corps of Clerks for
—, 60-61.
Ousting of European clerks of —
owing to allotment of Govern-
ment quarters in Simla by
juniority. 173.

ARMY HEADQUARTERS—contd.

See "MASTER GENERAL OF THE ORDNANCE BRANCH".

ARMY IN INDIA—

Question *re* categories into which the — is divided. 174-75.

ASKURAN, HON. MR. SHANTIDAS—

Question (supplementary) *re* concessions granted for the manufacture of soda ash. 26.

Resolution *re*—

Glass industry. 200.

Initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 137-39.

ASSAM—

See "FLOODS".

See "POST OFFICES".

ASSISTANTS—

Question *re* number of first division — employed in M. G.-4 Section, Master General of the Ordnance Branch, Army Headquarters. 87.

B**BANERJEE, HON. MR. JAGADISH**

CHANDRA—

Criminal Law Amendment Bill—

Motion to consider. 262-64.

Indian Milch Cattle Protection Bill—

Motion for reference to Joint Committee. 153.

Question *re*—

Anti-Indian films. 24-25.

Appointment of an European lady as "Chargeman" in the Rifle Factory, Ichhapur. 87-88.

Basis on which Government quarters in Simla are allotted. 172.

Classification of Government quarters, New Delhi and Simla. 170.

Concessions granted for the manufacture of soda ash. 25-27.

Construction of the Dacca-Aricha Railway. 29.

Fees chargeable from families of Government servants for radiographic examinations. 89.

Government quarters, Summer Hill. 28-29.

Grievances of third class passengers, Great Indian Peninsula Railway. 27.

Number of clerks recruited from the Indian Army Corps of Clerks for Army Headquarters. 60-61.

Number of employees who live in Government unorthodox quarters in Delhi allotted Government orthodox quarters in Simla in 1935. 173.

BANERJEE, HON. MR. JAGADISH

CHANDRA—contd.

Question *re*—contd.

Number of first division assistants employed in M. G.-4 Section, Master General of the Ordnance Branch, Army Headquarters. 87.

Number of technical military clerks in the Master General of the Ordnance Branch, Army Headquarters. 88.

Occupation of Government unorthodox quarters, Simla, by employees entitled to Simla house-rent allowance at the old rates. 172.

Offences against women and steps taken to counteract them. 23.

Ousting of European clerks of Army Headquarters owing to allotment of Government quarters in Simla by juniority. 173.

Provident fund of Currency staff. 27-28.

Reason why employees are allowed to occupy Government orthodox quarters in Simla and Government unorthodox quarters in New Delhi. 170-71.

Rescue homes in Delhi. 24.

Subletting of Government quarters in New Delhi and Simla to outsiders. 171-72.

Tangi-Tangail-Singjani Railway. 15-16.

Telegraph Engineering Supervisors Recruitment Examination. 167-69.

Question (short notice) *re* transaction of official business on a non-official business day. 401-03.

Question (supplementary) *re*—

Accident at Barrackpore railway station, Eastern Bengal Railway. 31.

Amount sanctioned for each province for rural uplift. 229.

Construction of the Dacca-Aricha Railway. 29.

Offences against women and steps taken to counteract them. 23.

Tangi-Tangail-Singjani Railway. 15-16.

Use of goods wagons for the carrying of passengers. 179.

Resolution *re* removal of sex disqualification and enfranchisement of women qualified to vote at Council of State elections. 145.

BANKERS—

Question *re* terms and conditions on which indigenous — and shroffs might be included in the Scheduled List of the Reserve Bank of India. 101.

BANKING ACT—

Question *re* recommendation of the Central Banking Enquiry Committee for a —. 100.

BARRACKPORE RAILWAY STATION—

Question *re* accident at —, Eastern Bengal Railway. 31.

BARUA, HON. SRIJIT HERAMBA PRASAD—

Indian Milch Cattle Protection Bill—

Motion for reference to Joint Committee. 154.

Question *re*—

Alarm signal chains in the railway carriages of the Dibru-Sadiya Railway. 387.

Delay in delivery of letters posted in Upper Assam. 387.

Floods in Assam. 177.

Post offices in Assam. 176-77.

Question (supplementary) *re* post offices in Assam. 177.

BATHROOMS—

Question *re* — at railway station, Haridwar, Rahrkund and Kumaon Railway. 185-86.

BENARES-ALLAHABAD BRANCH, BENGAL

AND NORTH-WESTERN RAILWAY—

Question *re*—

Terminus for trains running on the —. 391.

Through connection with the East Indian Railway for the —. 392.

BENGAL AND NORTH-WESTERN RAILWAY—

See "—" under "RAILWAY(S)".

BILL—

Aligarh Muslim University (Amendment) —

Passed by the Legislative Assembly. 73.

Central Provinces Courts (Supplementary) —

Passed by the Legislative Assembly. 76.

Motion to consider. 225.

Motion to pass. 225.

Passed. 225.

Criminal Law Amendment —

Laid on the table, as certified. 125.

Message from His Excellency the Governor General certifying the — as essential for the tranquility of British India. 125.

Message from His Excellency the Governor General recommending the passage of the — in the form annexed to the Bill. 125.

Motion to consider. 237-86, 312-60.

Consideration of clause 2. 360-63.

Motion to pass. 384.

Passed. 384.

Durgah Khwaja Saheb —

Motion to introduce. 366-67.

BILL—contd.

Factories (Amendment) —

Passed by the Legislative Assembly. 186.

Motion to consider. 385.

Motion to pass. 385.

Passed. 385.

Indian Army (Amendment) —

Passed by the Legislative Assembly. 76.

Motion to consider. 224.

Motion to pass. 225.

Passed. 225.

Indian Coffee Cess —

Passed by the Legislative Assembly. 287.

Motion to consider. 404-09.

Motion to pass. 409.

Passed. 409.

Indian Milch Cattle Protection —

Motion for reference to Joint Committee, negatived. 152-59.

Indian Mines (Amendment) —

Assent of the Governor General. 73.

Indian Naturalization (Amendment) —

Assent of the Governor General. 73.

Indian Tariff (Amendment) —

Assent of the Governor General. 73.

Indian Tea Cess (Amendment) —

Assent of the Governor General. 73.

Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) —

Passed by the Legislative Assembly. 365.

Motion to consider. 409-12.

Motion to pass. 412.

Passed. 412.

Madras City Hindu Temples —

Motion for reference to Joint Committee. 292-301.

Parsi Marriage and Divorce —

Presentation of the report of the Joint Committee on the —. 366.

Provincial Insolvency (Amendment) —

Passed by the Legislative Assembly. 76.

Motion to consider. 226-27.

Motion to pass. 227.

Passed. 227.

Provincial Small Cause Courts (Amendment) —

Passed by the Legislative Assembly. 76.

Motion to consider. 225-26.

Motion to pass. 226.

Passed. 226.

Repealing and Amending —

Passed by the Legislative Assembly. 186.

Motion to consider. 386.

BILL—concl'd.

REPEALING AND AMENDING—*concl'd.*
 Motion to pass. 386.
 Passed. 386.
 Salt Additional Import Duty (Extending)—
 Assent of the Governor General. 73.

BLACKETT, SIR BASIL—

Expressions of regret at the deaths of Mr. P. C. D. Chari, Sir John Thompson, and Sir Deva Prasad Sarvadhikary. 73-76.

BOMBAY—

See "MUNICIPAL COMMISSIONER, —".

BRAHMINS—

Question *re* percentage of representation of —, non-Brahmins and the depressed classes in the civil and postal audit offices, Madras. 234.

BRAYSHAY, HON. SIR MAURICE—

Oath of Office. 15.

BRITISH ARMY IN INDIA—

Resolution *re* contribution by His Majesty's Government towards the maintenance of the —. 288-92.

BRITISH SERVICE OFFICERS—

Question *re*—
 Transfer of — to the Indian Army. 60.
 Transfer of 100 — to the Indian Army. 19-20.
 Resolution *re* recruitment of 100 — for the Indian Army. 146-52.

BULLION—

Question *re* stock of rupee coin and — held by Government on 31st March, 1935. 35.

BUSINESS—

See "NON-OFFICIAL —".
 See "OFFICIAL —".
 See "STATEMENT OF —".

BUTA SINGH, HON. SARDAR—

Indian Milch Cattle Protection Bill—
 Motion for reference to Joint Committee. 155.
 Resolution *re*—
 Flotation of sterling loans. 209.
 Provision for a separate whole-time Secretary to the Government of India in charge of "Indians Overseas". 163.
 Recruitment of 100 British Service officers for the Indian Army. 161.

C**CABINET SECRETARY—**

Question *re*—
 —. 392-393.
 — and recruitment of his office staff. 394, 395.

CADETS—

Question *re*—
 — commissioned from the Indian Military Academy as a result of the last two examinations. 38.
 Non-receipt of commissions by certain — of the Indian Military Academy. 38-39.
 Resolution *re* increase in number of — admitted to the Indian Military Academy, Dehra Dun. 301-08.

CALCUTTA—

See "FOREIGN SALT".
 CAMPBELL, HON. MR. G. R.—
 Criminal Law Amendment Bill—
 Motion to consider. 279.
 Oath of Office. 15.

CAPITATION CHARGES—

Question *re* —. 97.

CARBON BLOCKS—

Resolution *re* reduction of the import duty on —. 77-78.

CARRIAGES—

See "RAILWAY —".
 See "THIRD CLASS —".

CENTRAL ADVISORY BOARD OF EDUCATION—

Ballot for the election of one non-official Member to the —. 413.
 Motion for the election of one non-official Member to the —. 224.
 Nominations for the election of one non-official Member to the —. 287.
 Result of the election to the —. 413.

CENTRAL BANKING ENQUIRY COMMITTEE—

Question *re*—
 Recommendation of the — for a Banking Act. 100.
 Recommendation of the — for the creation of special institutions for the financing of agriculture and industry. 100.

CENTRAL PROVINCES—

See "RURAL UPLIFT".

CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL—

See "—" under "BILL".

CHAIRMEN, PANEL OF—

Message from His Excellency the Governor General nominating Members of the Council of State to be on the —. 70-71.

CHARANJIT SINGH, HON. RAJA—

Criminal Law Amendment Bill—
 Motion to consider. 280.

Nomination of the — as Chairman of the Committee on Petitions. 71.

CHARGEMAN—

Question *re* appointment of an European lady as "—" in the Rifle Factory, Ichhapur. 87-88.

CHARI, MR. P. C. D.—

Expressions of regret at the deaths of —, Sir John Thompson, Sir Basil Blackett and Sir Deva Prasad Sarvadhikary. 73-76.

CHETTY, HON. DIWAN BAHADUR G. NARAYANASWAMI—

Criminal Law Amendment Bill—
 Motion to consider. 346-47.
 Indian Coffee Cess Bill—
 Motion to consider. 406-07.
 Madras City Hindu Temples Bill—
 Motion for reference to Joint Committee. 292-95, 300-01.

Question re—

Closure of a salt depot in the Ennore Circle, Madras Presidency. 398.
 Decline in imports of foreign salt into Calcutta. 398.
 Percentage of representation of Brahmins, non-Brahmins and the depressed classes in the civil and postal audit offices, Madras. 234.
 Resolution *re* improvement of jail libraries. 367-69, 370.

CHOKSY, HON. KHAN BAHADUR DR. SIR NASARVANJI—

Criminal Law Amendment Bill—
 Motion to consider. 281-83.

Question re—

Application from the Municipal Commissioner, Bombay, to purchase quinine from the surplus stock of the Government of India. 21-22.
 Imports of quinine. 17.
 Kalka-Simla Section, North Western Railway. 18.
 Production of totaquina. 17.
 Sale of quinine. 16-17.
 Subjects prescribed for primary education. 19.
 Undesirability of frequent changes in the nominated personnel of the Medical Council of India. 17-18.
 Waste of public funds on compulsory primary education. 19.

Resolution *re* initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 126-28, 141, 143.

CINEMATOGRAPH INDUSTRY—

Question *re* representation from the — or Motion Picture Society of India. 234.

CIVIL AUDIT OFFICES, MADRAS—

Question *re* percentage of representation of Brahmins, non-Brahmins and the depressed classes in the Postal and —. 234.

CLERKS—

Question *re* number of — recruited from the Indian Army Corps of Clerks for Army Headquarters 60-61.

See "EUROPEAN —".

See "TECHNICAL MILITARY —".

See "TEMPORARY —".

COFFEE CESS BILL—

See "INDIAN —" under "BILL".

COMMANDER-IN-CHIEF, HIS EXCELLENCY THE—

Farewell address to —. 413-17.
 Indian Army (Amendment) Bill—
 Motion to consider. 224.
 Motion to pass. 225.

Motion for Adjournment *re* despatch of troops to Abyssinia. 61, 84-86.
 Question *re* appointment of Indians as stenographers to His Excellency the Viceroy, — and Governors of Provinces. 395.

Resolution re—

Contribution by His Majesty's Government towards the maintenance of the British Army in India. 290-92.
 Increase in number of cadets admitted to the Indian Military Academy, Dehra Dun. 303-06.
 Recruitment of 100 British Service officers for the Indian Army. 149-51.

COMMISSIONED RANKS—

See "INDIAN —".

COMMISSIONS—

Question *re* non-receipt of — by certain cadets of the Indian Military Academy. 38-39.

COMMITTEE ON PETITIONS—

Constitution of the —. 71.

COMPANIES ACT—

See "INDIAN —" under "Act".

COMPARTMENTS—

See "INTER CLASS —".
 See "THIRD CLASS —".

CONFIRMATION—

Question *re* — of temporary clerks in Government of India Offices, etc. 398-99.

CONGRATULATIONS—

— to recipients of Honours. 71-73.

CONTRACT—

Question *re* — by the East Indian Railway for the purchase of locomotives from Krupps. 122.

CONTROLLER OF THE CURRENCY—

Question *re* functions of the — and his staff at present and before 31st March, 1935. 35-36.

CORPS OF CLERKS—

See "INDIAN ARMY —".

COUNCIL OF STATE—

Address by His Excellency the Viceroy to the Members of the — and the Legislative Assembly. 1-13.

Resolution *re* removal of sex disqualification and enfranchisement of women qualified to vote at — elections. 144-46.

COUNCIL OF STATE ELECTIONS—

Resolution *re* removal of sex disqualification and enfranchisement of women qualified to vote at —. 144-46.

CRAIK, HON. SIR HENRY—

Criminal Law Amendment Bill—
Motion to consider. 252, 254, 260, 261, 266, 273, 317, 320-30, 331, 332, 335, 337, 339, 340.

CRIMINAL LAW AMENDMENT BILL—

See "—" under "BILL".

CURRENCY—

See "DEPUTY CONTROLLERS OF THE —".

CURRENCY STAFF—

Question *re* provident fund of —. 27-28.

D**DACCA-ARICHA RAILWAY—**

See "—" under "RAILWAY(S)".

DEATH(S)—

Expressions of regret at the — of Mr. P. C. D. Chari, Sir John Thompson, Sir Basil Blackett and Sir Deva Prasad Sarvadhikary. 72-76.

Question re—

— from malaria and consumption of quinine. 181.
— of a railway passenger through falling off a moving train. 32.

DEHRA DUN—

See "INDIAN MILITARY ACADEMY, —".

DELHI—

See "AERONAUTICAL TRAINING CENTRE".
See "RESCUE HOMES".

DEPRESSED CLASSES—

Question *re* percentage of representation of Brahmins, non-Brahmins and the — in the civil and postal audit offices, Madras. 234.

DEPUTY CONTROLLERS OF THE CURRENCY—

Question *re* terms on which — and their staff have been transferred to the Reserve Bank of India. 175.

DEVADOSS, HON. SIR DAVID—

Criminal Law Amendment Bill—
Motion to consider. 337.
Indian Coffee Cess Bill—
Motion to consider. 407.
Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—
Motion to consider. 411.
Madras City Hindu Temples Bill—
Motion for reference to Joint Committee. 298-99.
Nomination of the — as a member of the Committee on Petitions. 71.
Nomination of the — to the Panel of Chairmen. 70-71.

DHULIA—

See "RAILWAY LINE".

DIBRU-SADIYA RAILWAY—

See "—" under "RAILWAY(S)".

DISEASES—

See "PARASITIC —".

DIVISIONAL SUPERINTENDENT, MORAD-

ABAD, EAST INDIAN RAILWAY—
Question *re* —. 20-21.

DOMESTICATED ANIMALS—

Question *re* parasitic diseases and tuberculosis among —. 178.

DOW, HON. MR. T. M.—

Oath of Office. 15.

DRUGS—

See "SPURIOUS —".

DRUGS INQUIRY COMMITTEE—

Resolution *re* initiation of early measures to implement the conclusions of the Report of the —. 126-44.

DUFFRIES—

Question *re* Government quarters allotted to —, etc., serving in Viceregal Lodge, New Delhi. 389.

DURGAH KHWAJA SAHEB BILL—

See "—" under "BILL".

DUTY—

See "IMPORT —".

E**EASTERN BENGAL RAILWAY—**

See "—" under "RAILWAY(S)".

EAST INDIAN RAILWAY—

See "—" under "RAILWAY(S)".

EAST INDIAN RAILWAY DEBENTURE STOCK—

Question *re* date on which the 6 per cent. loan of 1935-37 and 4½ per cent. — falls due. 233.

EDUCATION—

Ballot for the election of one non-official Member to the Central Advisory Board of —. 413.
Motion for the election of one non-official Member to the Central Advisory Board of —. 224.
Nominations for the election of one non-official Member to the Central Advisory Board of —. 287.
Result of the election to the Central Advisory Board of —. 413.
See "PRIMARY —".

ELECTIONS—

See "COUNCIL OF STATE —".
See "PROVINCIAL —".

EMIGRATION—

Election of one non-official Member to the Standing Committee on —. 288.
Motion for election of one non-official member to the Standing Committee on —, *vice* Mr. B. K. Basu. 76.
Nominations of non-official Members for election to the Standing Committee on —. 186.

EMPLOYMENT OF WOMEN—

Question *re* — during the night. 384-85.

ENFRANCHISEMENT OF WOMEN—

Resolution *re* removal of sex disqualification and — qualified to vote at Council of State elections. 144-46.

ENNORE CIRCLE, MADRAS PRESIDENCY—

See "SALT DEPOT".

EXEMPTIONS—

Question *re* —
Authority deciding cases of — for employment in Government or India Offices. 400-61.

EXEMPTIONS—contd.

Question *re* —
— granted to unqualified men in Government of India Offices. 469.
Refusal of — to unqualified men in Government of India Offices.—401.

EXPORTS—

Question *re* scheme for the regulation of India's — and imports. 94-95.

EUROPEAN CLERKS—

Question *re* ousting of — of Army Headquarters owing to allotment of Government quarters by juniority. 173.

EUROPEAN PILOTS—

Question *re* number of Indian and — in the various Port Trusts. 99.

EUROPEANS—

Question *re* number of —, Anglo-Indians and Indians in the various Port Trusts on posts carrying an initial salary of Rs. 500 and upwards. 99.
Resolution *re* proposed reservation of the highlands in Kenya for —. 217-22.

EUROPEAN TRUSTEES—

Question *re* number of Indian and — in the various Ports Trusts. 99.

F**FACTORIES (AMENDMENT) BILL—**

See "—" under "BILL".

FAMILIES OF GOVERNMENT SERVANTS—

Question *re* fees chargeable from — for radiographic examinations. 89.

FANS—

Question *re* provision of — in third and inter class compartments. 30.

FARES—

See "RAIL MOTOR —".

FEES—

Question *re* — chargeable from families of Government servants for radiographic examinations. 89.

FENTS—

Question *re* imports of — from Japan. 22-23.

FILMS—

See "ANTI-INDIAN —".

FISHPLATES—

Question *re* supply of rails and — from the Tata Iron and Steel Co., Ltd. 98.

- FLOODS—**
Question *re* — in Assam. 177.
- FOREIGN CAPITAL COMMITTEE—**
Question *re* —. 173-74.
- FOREIGN INSURANCE COMPANIES—**
Question *re* — operating in India. 90.
- FOREIGN SALT—**
Question *re* decline of imports of — into Calcutta. 398.
- G**
- GATE No. 38—**
Question *re* removal of — near the railway station, Tharwai, East Indian Railway. 177.
- GHAZANFAR ALI KHAN, HON. RAJA—**
Criminal Law Amendment Bill—
Motion to consider. 348-50.
Consideration of clause 2. 363.
Durgah Khwaja Saheb Bill—
Motion to introduce. 365-66.
- GHOSH MAULIK, HON. MR. SATYENDRA CHANDRA—**
Nomination of the — as a member of the Committee on Petitions. 71.
- GLANCY, HON. SIR BERTRAND—**
Motion for Adjournment *re* despatch of troops to Abyssinia. 61, 84.
- GLASS INDUSTRY—**
Question *re* protection to the —. 89-90.
Resolution *re* —. 187-203.
- GOLD—**
Question *re* value of — exported from India. 310.
Resolution *re* purchase of —. 371-84.
- GOLD STANDARD RESERVE—**
Question *re* balances held in the — and Paper Currency Reserve on 31st March, 1935. 34.
- GOODS WAGONS—**
Question *re* use of — for the carrying of passengers. 178-79.
- GOUNDER, HON. MR. V. C. VELLINGIRI—**
Criminal Law Amendment Bill—
Motion to consider. 350-52.
Indian Coffee Cess Bill—
Motion to consider. 408.
Madras City Hindu Temples Bill—
Motion for reference to Joint Committee. 296-97.
Question (supplementary) *re*—
Concessions granted for the manufacture of soda ash. 26-27.
Kalka-Simla Section, North Western Railway. 18.
Resolution *re* improvement of jail libraries. 370.

GOVERNMENT OF INDIA ACCOUNTS—
Question *re* date from which the Reserve Bank of India took over all —. 175.

GOVERNMENT OF INDIA OFFICES—
Question *re*—
Authority deciding cases of exemption for employment in —. 400-01.
Confirmation of temporary clerks in —, etc. 398-99.
Continuous temporary service in — to count for pension. 399-400.
Exemptions granted to unqualified men in —. 400.
Reasons why — give preference to passed candidates over persons retrenched during 1930-31. 399.
Refusal of exemptions to unqualified men in —. 401.
Retrenched posts in the —. 388.
Steps taken to re-employ retrenched persons in —. 387.
Technical posts in the —. 388.

GOVERNMENT ORTHODOX QUARTERS—
Question *re*—
Number of employees who live in Government unorthodox quarters in Delhi allotted — in Simla in 1935. 173.
Reason why employees are allowed to occupy — in Simla and Government unorthodox quarters in New Delhi. 170-71.

GOVERNMENT QUARTERS—
Question *re*—
Basis on which — are allotted to employees of the Private Secretary to the Viceroy's Press. 390.
Basis on which — in Simla are allotted. 172.
Building of more — near Talkatora Garden, New Delhi. 339.
Classification of — allotted to employees of the Private Secretary to the Viceroy's Press. 388-89.
Classification of —, New Delhi and Simla. 170.
— allotted to duffries, etc., serving in Viceregal Lodge, New Delhi. 389.
—, Summer Hill. 28-29.
Ousting of European clerks of Army Headquarters owing to allotment of — in Simla by juniority. 173.
Subletting of — in New Delhi and Simla to outsiders. 171-72.

GOVERNMENT SERVANTS—
Question *re* grant of medical certificates to —. 390.

GOVERNMENT UNORTHODOX QUARTERS—
Question *re*—
Number of employees who live in — in Delhi allotted Government orthodox quarters in Simla in 1935. 173.
Occupation of —, Simla, by employees entitled to Simla house-rent allowance at the old rates. 172.
Reason why employees are allowed to occupy Government orthodox quarters in Simla and — in New Delhi. 170-71.

GOVERNOR GENERAL, HIS EXCELLENCY TRE—
Message from — certifying the Criminal Law Amendment Bill as essential for the tranquillity of British India. 125.
Message from — nominating Members of the Council of State to be on the Panel of Chairmen. 70-71.
Message from — recommending the passage of the Criminal Law Amendment Bill as certified. 125.

GOVERNORS OF PROVINCES—
Question *re* appointment of Indians as stenographers to His Excellency the Viceroy, His Excellency the Commander-in-Chief and —. 395.

GREAT INDIAN PENINSULA RAILWAY—
See "—" under "RAILWAY (S)".

GRIEVANCES—
Question *re* — of third class passengers, Great Indian Peninsula Railway. 27.

H

HABIBULLAH OF DACCA, HON. NAWAB KHAWAJA—
Oath of Office. 87.

HAFEZ, HON. KHAN BAHADUR SYED ABDUL—
Criminal Law Amendment Bill—
Motion to consider. 250.
Nomination of the — as a member of the Committee on Petitions. 71.

HAIDAR, HON. KHAN BAHADUR SHAMS-UD-DIN—
Oath of Office. 15.

HANDECOM INDUSTRY—
Question *re* assistance to the —. 309.

HARDWAR IMPROVEMENT ADVISORY COMMITTEE—
Question *re* —. 185.
Statement (laid on the table) *re* —. 404.

HARDWAR RAILWAY STATION, ROHILKUND AND KUMAON RAILWAY—
Question *re*—
Bathrooms at —. 185-86.
Waiting rooms at —. 185.

HIGHLANDS IN KENYA—
Resolution *re* proposed reservation of the — for Europeans. 217-22.

HINDUS—
Question *re* percentage of Anglo-Indians, — and Muhammadans on the Bengal and North-Western Railway. 392.

HIS MAJESTY'S GOVERNMENT—
Resolution *re* contribution by — towards the maintenance of the British Army in India. 288-92.

HOME DEPARTMENT—
Question *re* transfer of the work of posting to ministerial service from the Public Service Commission to the —. 401.

HOMES—
See "RESCUE —".

HONOURS—
Congratulations to recipients of —. 71-73.

HOSSAIN IMAM, HON. MR.—
Criminal Law Amendment Bill—
Motion to consider. 241, 286, 328, 331-43, 356, 359.
Consideration of clause 2. 361-62.
Indian Coffee Cess Bill—
Motion to consider. 405-06.
Indian Milk Cattle Protection Bill—
Motion for reference to Joint Committee. 152.
Motion for Adjournment *re* despatch of troops to Abyssinia. 83-84.
Question *re*—
Agreements entered into between provinces and the Reserve Bank of India. 233.
Agreements entered into by the Reserve Bank of India with the Imperial Bank of India. 175.
Agricultural credit department, Reserve Bank of India. 234.
Amount sanctioned for each province for rural uplift. 229-30.
Balances held in the Gold Standard Reserve and the Paper Currency Reserve on 31st March, 1935.
Capitation charge. 97.
Categories into which the Army in India is divided. 174-75.
Date from which the Reserve Bank of India took over all Government of India Accounts. 175.

HOSSAIN IMAM, HON. MR.—*concl.***Question *re—concl.***

- Date on which the 6 per cent. loan of 1935-37 and 4½ per cent. East Indian Railway debenture stock falls due. 233.
- Form in which the payment of Rs. 5 crores for the Reserve Fund was made to the Reserve Bank. 35.
- Functions of the Controller of the Currency and his staff at present and before 31st March, 1935. 35-36.
- Increase in Funded sterling loans of the Government of India. 230.
- Industries reported on by the Tariff Board and on which action is outstanding. 235.
- Number of listed posts in the Indian Civil Service in each province. 235-36.
- Outstanding sterling loans of the Government of India. 230-32.
- Programme of filling listed posts in the Indian Civil Service. 237.
- Proportion fixed for Muslims and other minority communities in certain departments. 97-98.
- Qualifications for appointment in the Watch and Ward establishment. 309.
- Recommendation of the Joint Committee on the Reserve Bank Bill with regard to silver. 176.
- Representation from the cinematograph industry or Motion Picture Society of India. 234.
- Silver Redemption Fund. 96.
- Stock of rupee coin and bullion held by Government on 31st August, 1935. 35.
- Supply of rails and fishplates from the Tata Iron and Steel Co., Ltd. 98.
- Terminal, pilgrim and municipal taxes realised by the East Indian Railway. 395-97.
- Terms on which Deputy Controllers of the Currency and their staff have been transferred to the Reserve Bank of India. 175.
- Question (supplementary) *re—***
- Agreements entered into between provinces and the Reserve Bank of India. 233.
- Amount sanctioned for each province for rural uplift. 229-30.
- Cabinet Secretary. 393.
- Concessions granted for the manufacture of soda ash. 26-27.
- Confirmation of temporary clerks in Government of India Offices. 399.
- Contract by the East Indian Railway for the purchase of locomotives from Krupps. 122.
- Date on which the 6 per cent. loan of 1935-37 and 4½ per cent. East Indian Railway debenture stock falls due. 233.

HOSSAIN IMAM, HON. MR.—*concl.***Question (supplementary) *re—concl.***

- Divisional Superintendent, Moradabad, East Indian Railway. 20.
- Indo-Burma Financial Relationships Tribunal. 95.
- Kalka-Simla Section, North Western Railway. 18.
- Number of clerks recruited from the Indian Army Corps of Clerks for Army Headquarters. 60-61.
- Number of European and Indian Trustees in the various Port Trusts. 99.
- Number of listed posts in the Indian Civil Service in each province. 235-36.
- Recommendation of the Joint Committee on the Reserve Bank Bill with regard to silver. 176.
- Recognition of medical certificates. 391.
- Retrenched posts in the Government of India Offices. 388.
- Scheme for the regulation of India's exports and imports. 95.
- Silver Redemption Fund. 96.
- Terminal, pilgrim and municipal taxes realised by the East Indian Railway. 395-97.
- Resolution *re—***
- Contribution by His Majesty's Government towards the maintenance of the British Army in India. 288-90, 292.
- Flotation of sterling loans. 203, 204-09, 210, 211, 212, 213-16.
- Glass industry. 194, 195-96.
- Initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 139-40, 141, 142, 143.
- Purchase of gold. 371-74, 377, 379, 380, 381-84.
- Recruitment of 100 British Service officers for the Indian Army. 151.
- Removal of sex disqualification and enfranchisement of women qualified to vote at Council of State elections. 144-45, 146.

HOUSE-RENT ALLOWANCE—

See "SIMLA —".

I**ICHHAPUR—**

See "RIFLE FACTORY, —".

IMPERIAL BANK OF INDIA—

- Question *re* agreements entered into by the Reserve Bank of India with the —. 175.
- Statement (laid on the table) *re* agreement between the Reserve Bank of India and the —. 65-68.

IMPORT DUTY—

- Resolution *re* reduction of the — on carbon blocks. 77-78.

IMPORTS—

- Question *re—*
- Restrictions imposed by certain countries on — from India. 94.
- Scheme for the regulation of India's exports and —. 94-95.

IMPROVEMENT ADVISORY COMMITTEE—

See "HARDWAR —".

INDIAN ARMY—

- Question *re—*
- Transfer of British Service officers to the —. 60.
- Transfer of 100 British Service officers to the —. 19-20.
- Resolution *re* recruitment of 100 British Service officers for the —. 146-52.

INDIAN ARMY (AMENDMENT) BILL—

See "—" under "BILL".

INDIAN ARMY CORPS OF CLERKS—

- Question *re* number of clerks recruited from the — for Army Headquarters. 60-61.

INDIAN CIVIL SERVICE—

- Question *re—*
- Number of listed posts in the — in each province. 235-36.
- Programme of filling listed posts in the —. 237.
- Recruitment to the — during the last five years. 182-84.

INDIAN COFFEE CESS BILL—

See "—" under "BILL".

INDIAN COMMISSIONED RANKS—

- Question *re* reasons for decreasing the number of —. 38.

INDIAN COMPANIES ACT—

See "—" under "ACT".

INDIAN MILCH CATTLE PROTECTION BILL—

See "—" under "BILL".

INDIAN MILITARY ACADEMY, DEHRA DUN—

- Question *re—*
- Cadets commissioned from the — as a result of the last two examinations. 38.
- Non-receipt of commissions by certain cadets of the —. 38, 39.
- Resolution *re* increase in number of cadets admitted to the —. 301-08.

INDIAN MILITARY PENSIONERS—

- Statement (laid on the table) *re* —. 223.

INDIAN MINES (AMENDMENT) BILL—

See "—" under "BILL".

INDIAN NATURALIZATION (AMENDMENT) BILL—

See "—" under "BILL".

INDIAN NEWSPAPERS—

- Question *re* number of — in India. 177.

INDIAN PILOTS—

- Question *re* number of European and — in the various Port Trusts. 99.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT—

- Ballot for the election of one non-official Member to the Standing Advisory Committee for the —. 412.
- Motion for the election of one non-official Member to the Standing Advisory Committee for the —. 223.
- Nominations for the election of one non-official Member to the Standing Advisory Committee for the —. 287.
- Result of the election to the Standing Advisory Committee for the —. 413.

INDIANS—

- Question *re—*
- Appointment of — as stenographers to His Excellency the Viceroy, His Excellency the Commander-in-Chief and Governors of Provinces. 395.
- Increased representation of — on Port Trusts. 96.
- in Zanzibar. 179.
- Number of Europeans, Anglo-Indians and — in the various Port Trusts on posts carrying an initial salary of Rs. 500 and upwards. 99.
- Number of — on the staff of the International Labour Office. 95.
- Protection of — in Abyssinia. 102.

"INDIANS OVERSEAS"—

- Resolution *re* provision for a separate whole-time Secretary to the Government of India in charge of —. 160-66.

INDIAN STORES DEPARTMENT—

- Question *re* proportion of purchases actually made by State-managed Railways through the —. 311.

INDIAN TARIFF (AMENDMENT) BILL—

See "—" under "BILL".

INDIAN TEA CESS AMENDMENT BILL—

See "—" under "BILL".

- INDIAN TEXTILE INDUSTRY—**
Motion for Adjournment *re* unsatisfactory terms and constitution of the Special Tariff Board on the ——. 123-24.
- INDIAN TRUSTEES—**
Question *re* number of European and — in the various Port Trusts. 99.
- INDO-BURMA FINANCIAL RELATIONSHIPS TRIBUNAL—**
Question *re* ——. 95.
- INDUSTRY(IES)—**
Question *re* —
— reported on by the Tariff Board and on which action is outstanding. 235.
Recommendation of the Central Banking Enquiry Committee for the creation of special institutions for the financing of agriculture and ——. 100.
- INSURANCE COMPANIES—**
See "FOREIGN —".
- INSURANCE LAW—**
Question *re* amendment of — in India. 90-91.
- INTER-CLASS COMPARTMENTS—**
Question *re* provision of fans in third and ——. 30.
- INTERNATIONAL LABOUR OFFICE—**
Question *re* number of Indians on the staff of the ——. 95.

J

- JAGDISH PRASAD, HON. KUNWAR SIR—**
Congratulations to the — on the Honour conferred on him. 71.
Motion for the election of one non-official Member to the Standing Committee on Emigration, *vice* Mr. B. K. Basu. 76.
Statement of Business by —, Leader of the House. 125.
- JAGDISH PRASAD, HON. RAI BAHADUR LALA—**
Criminal Law Amendment Bill—
Motion to consider. 344-46.
- Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—**
Motion to consider. 410-11.
- Madras City Hindu Temples Bill—**
Motion for reference to Joint Committee. 296.
- Nomination of the — as a member of the Committee on Petitions. 71.**
- Question re—**
Bathrooms at railway station, Hardwar, Rohilkund and Kumaon Railway. 185-86.

- JAGDISH PRASAD, HON. RAI BAHADUR LALA—contd.**
Question *re—contd.*
Construction of a railway line between Kashipur and Kalagarh *via* Thakurdwara. 186.
- Hardwar Improvement Advisory Committee. 185.**
Waiting rooms at railway station, Hardwar, Rohilkund and Kumaon Railway. 185.
- Question (supplementary) re—**
Construction of a railway line between Kashipur and Kalagarh *via* Thakurdwara. 186.
Recognition of medical certificates. 391.
Resolution *re* glass industry. 197-99.
- JAIL LIBRARIES—**
Resolution *re* improvement of ——. 367-71.
- JAPAN—**
See "FENTS".
- JOINT COMMITTEE ON THE RESERVE BANK BILL—**
Question *re* recommendation of the — with regard to silver. 176.
- JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL—**
See "—" under "BILL".

K

- KALAGARH—**
See "RAILWAY LINE".
- KALIKAR, HON. MR. V. V.—**
Criminal Law Amendment Bill—
Motion to consider. 312-20.
- Question re—**
Amount allotted to the Central Provinces for rural uplift. 39-60.
Authority deciding cases of exemption for employment in Government of India Offices. 400-01.
Cadets commissioned from the Indian Military Academy as a result of the last two examinations. 38.
Confirmation of temporary clerks in Government of India Offices. 398-99.
Continuous temporary service in Government of India Offices to count for pension. 399-400.
Contract by the East Indian Railway for the purchase of locomotives from Krupps. 122.
Exemptions granted to unqualified men in Government of India Offices. 400.
Imports of fents from Japan. 22-23.
Non-receipt of commissions by certain cadets of the Indian Military Academy. 38-39.
- KALIKAR, HON., MR. V. V.—contd.**
Question *re—contd.*
Reasons for decreasing the number of Indian commissioned ranks. 38.
Reasons why Government of India Offices give preference to passed candidates over persons retrenched during 1920-31. 399.
Refusal of exemptions to unqualified men in Government of India Offices. 401.
Transfer of British Service officers to the Indian Army. 60.
Transfer of the work of posting to ministerial service from the Public Service Commission to the Home Department. 401.
Resolution *re* increase in number of cadets admitted to the Indian Military Academy, Dehra Dun. 301-03. 307-08.
- KALKA-SIMLA SECTION, NORTH WESTERN RAILWAY—**
Question *re* ——. 18.
- KAMESHWAR SINGH OF DARBHANGA, HON. MAHARAJADHIRAJA SIR—**
Criminal Law Amendment Bill—
Motion to consider. 275-77.
Indian Milch Cattle Protection Bill—
Motion for reference to Joint Committee. 156-57.
- Question re—**
Application of the law for the fixation of the minimum price of sugarcane. 36.
Molasses and the sugar industry. 36-37.
Present condition of the sugar-cane industry. 37.
Sugar industry and external competition. 37.
- KASHIPUR—**
See "RAILWAY LINE".
- KENYA—**
See "HIGHLANDS IN —".
- KING EMPEROR, HIS MAJESTY THE—**
Message from — thanking the Council of State for their greetings on the occasion of his Silver Jubilee. 70.
- KRUPPS—**
Question *re* contract by the East Indian Railway for the purchase of locomotives from ——. 122.

L

- LEAGUE OF NATIONS—**
Question *re* total contribution of India to the ——. 91-94.

- LEGISLATIVE ASSEMBLY—**
Address by His Excellency the Viceroy to the Members of the Council of State and the ——. 1-13.
- LETTERS—**
Question *re* delay in delivery of — posted in Upper Assam. 387.
- LIBRARIES—**
See "JAIL —".
- LIGHTS—**
Question *re* provision of — on roads leading to sweepers' quarters, New Delhi. 388.
- LISTED POSTS—**
Question *re—*
Number of — in the Indian Civil Service in each province. 235-36.
Programme of filling — in the Indian Civil Service. 237.
- LOAN(S)—**
Question *re* date on which the 6 per cent. — of 1935-37 and 4½ per cent. East Indian Railway debenture stock falls due. 233.
See "STERLING —".
- LOCOMOTIVES—**
Question *re* contract by the East Indian Railway for the purchase of — from Krupps. 122.
- M**
- MACQUEEN, HON. MR. P.—**
Oath of Office. 15.
- MADRAS—**
See "CIVIL AUDIT OFFICES".
See "POSTAL AUDIT OFFICES".
- MADRAS CITY HINDU TEMPLES BILL—**
See "—" under "BILL".
- MALARIA—**
Question *re* deaths from — and consumption of quinine. 181.
- MALEGAON—**
See "RAILWAY LINE".
- MANMAD—**
See "RAILWAY LINE".
- MAQBUL HUSAIN, HON. KHAN BAHADUR SHAIKH—**
Oath of Office. 15.

MASTER GENERAL OF THE ORDNANCE BRANCH—
 Question *re—*
 Number of first division assistants employed in M. G.-4 Section, —, Army Headquarters. 87.
 Number of technical military clerks in the —, Army Headquarters. 88.

MEDICAL CERTIFICATES—
 Question *re—*
 Grant of — to Government servants. 390.
 Recognition of —. 390-91.

MEDICAL COUNCIL OF INDIA—
 Question *re* undesirability of frequent changes in the nominated personnel of the —. 17-18.

MEHROTRA, HON. RAI BAHADUR LALA MATHURA PRASAD—
 Criminal Law Amendment Bill—
 Motion to consider. 251-62, 285, 323, 328, 329, 337.
 Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—
 Motion to consider. 411.
 Motion for Adjournment *re* despatch of troops to Abyssinia. 79-80, 86.
 Question *re—*
 Appointment of Indians as stenographers to His Excellency the Viceroy, His Excellency the Commander-in-Chief and Governors of Provinces. 395.
 Appointment of Sir Otto Niemeyer. 311-12.
 Basis on which Government quarters are allotted to employees of the Private Secretary to the Viceroy's Press. 390.
 Building of more Government quarters near Talkatora Garden, New Delhi. 389.
 Cabinet Secretary. 392, 393.
 Cabinet Secretary and recruitment of his office staff. 394, 395.
 Classification of Government quarters allotted to employees of the Private Secretary to the Viceroy's Press. 388-89.
 Divisional Superintendent, Moradabad, East Indian Railway. 20-21.
 Government quarters allotted to dufftries, etc., serving in Viceregal Lodge, New Delhi. 389.
 Grant of medical certificates to Government servants. 390.
 Percentage of Anglo-Indians, Hindus and Muhammadans on the Bengal and North-Western Railway. 392.
 Posts retrenched in Government of India Offices. 388.
 Provision of lights on roads leading to sweepers' quarters, New Delhi. 388.

MEHROTRA, HON. RAI BAHADUR LALA MATHURA PRASAD—contd.
 Question *re—contd.*
 Recognition of medical certificates. 390-91.
 Seniority in the Private Secretary to the Viceroy's Press. 389.
 Steps taken to re-employ retrenched persons in Government of India Offices. 387.
 Technical posts in Government of India Offices. 388.
 Terminus for trains running on the Benares-Allahabad Branch, Bengal and North-Western Railway. 391.
 Through connection with the East Indian Railway for the Benares-Allahabad Branch, Bengal and North-Western Railway. 392.
 Transfer of 100 British Service-officers to the Indian Army. 19-20.
 Zanzibar Decrees. 21.

Question (supplementary) *re—*
 Appointment of Indians as stenographers to His Excellency the Viceroy, His Excellency the Commander-in-Chief and Governors of Provinces. 395.
 Appointment of Sir Otto Niemeyer. 312.
 Cabinet Secretary. 393.
 Classification of Government quarters allotted to employees of the Private Secretary to the Viceroy's Press. 388-89.
 Divisional Superintendent, Moradabad, East Indian Railway. 20-21.
 Grant of medical certificates to Government servants. 390.
 Recognition of medical certificates. 391.
 Use of goods wagons for the carrying of passengers. 179.

Resolution *re—*
 Contribution by His Majesty's Government towards the maintenance of the British Army in India. 292.
 Glass industry. 187-92, 201-02.
 Purchase of gold. 375-76.
 Recruitment of 100 British Service-officers for the Indian Army. 146-49, 151-52.

MESSAGE—
 — from His Excellency the Governor General certifying the Criminal Law Amendment Bill as essential for the tranquillity of British India. 125.
 — from His Excellency the Governor General nominating Members of the Council of State to be on the Panel of Chairmen. 70-71.
 — from His Excellency the Governor General recommending the passage of the Criminal Law Amendment Bill as certified. 125.

MESSAGE—contd.
 — from His Majesty the King "Emperor thanking the Council of State for their greetings on the occasion of his Silver Jubilee. 70.

MILCH CATTLE PROTECTION BILL—
 See "INDIAN —" under "BILL".

MILITARY ACADEMY—
 See "INDIAN —".

MILITARY CLERKS—
 See "TECHNICAL —".

MILITARY PENSIONERS—
 See "INDIAN —".

MILLER, SIR ERNEST—
 Congratulations to — on the Honour conferred on him. 72.

MINES (AMENDMENT) BILL—
 See "INDIAN —" under "BILL".

MINISTERIAL SERVICE—
 Question *re* transfer of the work of posting to — from the Public Service Commission to the Home Department. 401.

MINORITY COMMUNITIES—
 Question *re* proportion fixed for Muslims and other — in certain departments. 97-98.

MITCHELL, HON. MR. D. G.—
 Criminal Law Amendment Bill—
 Motion to consider. 257, 318, 319, 339.
 Consideration of clause 2. 362, 363.
 Factories (Amendment) Bill—
 Motion to consider. 385.
 Motion to pass. 385.
 Motion for the election of one non-official Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department. 223.
 Resolution *re* employment of women during the night. 334-85.
 Statement of Business by the —, Leader of the House. 222, 365-66.

MOLASSES—
 Question *re* — and the sugar industry. 36-37.

MOTION FOR ADJOURNMENT *re—*
 Despatch of troops to Abyssinia. 61-62, 78-86.
 Unsatisfactory terms and constitution of the Special Tariff Board on the Indian textile industry. 123-24.

MOTION PICTURE SOCIETY OF INDIA—
 Question *re* representation from the cinematograph industry or —. 234.

MOTOR FARES—
 See "RAIL —".

MUHAMMADANS—
 Question *re* percentage of Anglo-Indians, Hindu and — on the Bengal and North-Western Railway. 392.

MUHAMMAD DIN, HON. KHAN BAHADUR CHAUDRI—
 Congratulations to the — on the Honour conferred on him. 72.
 Indian Coffee Cess Bill—
 Motion to consider. 408.
 Question *re* shipping arrangements for pilgrim traffic. 237.
 Resolution *re* improvement of jail libraries. 369.

MUNICIPAL COMMISSIONER, BOMBAY—
 Question *re* application from the — to purchase quinine from the surplus stock of the Government of India. 21-22.

MUNICIPAL TAX(ES)—
 Question *re* terminal, pilgrim and — realised by the East Indian Railway. 395-97.

MUSLIMS—
 Question *re* proportion fixed for — and other minority communities in certain departments. 97-98.

N

NAIDU, HON. MR. Y. RANGANAYAKALU—
 Criminal Law Amendment Bill—
 Motion to consider. 347.

NATURALIZATION (AMENDMENT) BILL—
 See "INDIAN —" under "BILL".

NEW CONSTITUTION—
 Question *re* date of provincial elections under the —. 101.

NEW DELHI—
 See "GOVERNMENT ORTHODOX QUARTERS".
 See "GOVERNMENT QUARTERS".
 See "GOVERNMENT UNORTHODOX QUARTERS".
 See "SWEEPERS' QUARTERS".
 See "VICEREGAL LODGE".

NEWSPAPERS—
 Question *re* — and presses from which security has been demanded during the last three years. 102-22.
 See "INDIAN —".

NIEMEYER, SIR OTTO—
 Question *re* appointment of —. 311-12.

NON-BRAHMINS—

Question *re* percentage of representation of Brahmins, — and the depressed classes in the civil and postal audit offices, Madras. 234.

NON-OFFICIAL BUSINESS—

Question (short notice) *re* transaction of official business on a — day. 401-03.

NOON, NAWAB MALIK SIR MOHAMMAD HAYAT KHAN—

Criminal Law Amendment Bill—
Motion to consider. 285-86.
Indian Milch Cattle Protection Bill—
Motion for reference to Joint Committee. 153-54, 155.

NORTH WESTERN RAILWAY—

See "—" under "RAILWAY(S)".

O

OATH OF OFFICE—

Brayshay, Hon. Sir Maurice. 15.
Campbell, Hon. Mr. G. R. 15.
Dow, Hon. Mr. T. M. 15.
Habibullah of Dacca, Hon. Nawab Bahadur Khwaja. 87.
Haidar, Hon. Khan Bahadur Shams-ud-Din. 15.
Macqueen, Hon. Mr. P. 15.
Maqbul Husain, Hon. Khan Bahadur Shaikh. 15.
Parker, Hon. Mr. R. H. 15.
Ram Chandra, Hon. Mr. 15.
Ray of Dinajpur, Hon. Maharaja Jagadish Nath. 15.
Sloan, Hon. Mr. T. 15.

OFFENCES AGAINST WOMEN—

Question *re* — and steps taken to counteract them. 23.

OFFICERS—

See "BRITISH SERVICE —".

OFFICIAL BUSINESS—

Question (short notice) *re* transaction of — on a non-official business day. 401-03.

P

PADSHAH SAHIB BAHADUR, HON. SAIYED—

Criminal Law Amendment Bill—
Motion to consider. 352-53.
Madras City Hindu Temples Bill—
Motion for reference to Joint Committee. 297-98.
Motion for Adjournment *re* despatch of troops to Abyssinia. 82-83.

PADSHAH SAHIB BAHADUR, HON. SAIYED—*contd.*

Nomination of the — to the Panel of Chairmen. 70-71.

Resolution *re*—

Removal of sex disqualification and enfranchisement of women qualified to vote at Council of State elections. 145-46.
Glass industry. 199.

PANEL OF CHAIRMEN—

Message from His Excellency the Governor General nominating Members of the Council of State to be on the —. 70-71.

PAPER CURRENCY RESERVE—

Question *re* balances held in the Gold Standard Reserve and — on 31st March, 1935. 34.

PARASITIC DISEASES—

Question *re* — and tuberculosis among domesticated animals. 178.

PARKER, HON. MR. R. H.—

Criminal Law Amendment Bill—
Motion to consider. 330-31.
Oath of Office. 15.

PARSI MARRIAGE AND DIVORCE BILL—

See "—" under "BILL".

PASSED CANDIDATES—

Question *re* reasons why Government of India Offices give preference to — over persons retrenched during 1930-31. 399.

PASSENGERS—

Question *re* use of goods wagons for the carrying of —. 178-79.
See "THIRD CLASS —".

PENSION—

Question *re* continuous temporary service in Government of India Offices to count for —. 399-400.

PENSIONERS—

See "INDIAN MILITARY —".

PETITIONS, COMMITTEE ON—

Constitution of the —. 71.

PETROL TAX FUND—

Statement (laid on the table) *re* objects on which the — was expended during 1934-35. 70.

PILGRIM TAXES—

Question *re* terminal, municipal and — realised by the East Indian Railway. 395-97.

PILGRIM TRAFFIC—

Question *re* shipping arrangements for —. 237.

PILOTS—

See "EUROPEAN —".
See "INDIAN —".

PORT TRUSTS—

Question *re*—
Increased representation of Indians on —. 96.
Number of European and Indian pilots in the various —. 99.
Number of European and Indian trustees in the various —. 99.
Number of Europeans, Anglo-Indians and Indians in the various — on posts carrying an initial salary of Rs. 500 and upwards. 99.
Statement (laid on the table) *re* chairmen of —. 69.

POSTAL AUDIT OFFICES, MADRAS—

Question *re* percentage of representation of Brahmins, non-Brahmins and the depressed classes in the civil and —. 234.

POST OFFICES—

Question *re* — in Assam. 176-77.

POSTS—

See "RETRENCHED —".
See "TECHNICAL —".

POSTS AND TELEGRAPHS DEPARTMENT—

See "INDIAN —".

PRESSES—

Question *re* newspapers and — from which security has been demanded during the last three years. 102-22.

PRIMARY EDUCATION—

Question *re*—
Subjects prescribed for —. 19.
Waste of public funds on compulsory —. 19.

PRIVATE SECRETARY TO THE VICEROY'S PRESS—

Question *re*—
Basis on which Government quarters are allotted to employees of the —. 390.
Classification of Government quarters allotted to employees of the —. 388-89.
Seniority in the —. 389.

PROTECTION—

Question *re*—
— of Indians in Abyssinia. 102.
— to the glass industry. 89-90.

PROVIDENT FUND—

Question *re* — of Currency staff. 27-28.

PROVINCIAL ELECTIONS—

Question *re* date of — under the New Constitution. 101.

PROVINCIAL INSOLVENCY (AMENDMENT) BILL—

See "—" under "BILL".

PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL—

See "—" under "BILL".

PUBLIC SERVICE COMMISSION—

Question *re* transfer of the work of posting to ministerial service from the — to the Home Department. 401.

Q

QUARTERS—

See "GOVERNMENT ORTHODOX —".
See "GOVERNMENT —".
See "GOVERNMENT UNORTHODOX —".
See "SWEEPERS' —".

QUETTA—

Question *re* rebuilding of —. 180.

QUININE—

Question *re*—
Application from the Municipal Commissioner, Bombay, to purchase — from the surplus stock of the Government of India. 21-22.
Deaths from malaria and consumption of —. 181.
Imports of —. 17.
Sale of —. 16-17.

R

RADIOGRAPHIC EXAMINATIONS—

Question *re* fees chargeable from families of Government servants for —. 89.

RAGHUNANDAN PRASAD SINGH, HON. RAJA—

Criminal Law Amendment Bill—
Motion to consider. 280-81.
Indian Milch Cattle Protection Bill—
Motion for reference to Joint Committee. 152-53, 157-58.

Question *re*—

Accident at Barrackpore railway station, Eastern Bengal Railway. 31.
Accident at Serajganj goods yard, Eastern Bengal Railway. 31-32.
Death of a railway passenger through falling off a moving train. 32.
Foreign Capital Committee. 173-74.
New design of third class carriages. 30-31.

RAGHUNANDAN PRASAD SINGH, HON. RAJA—contd.

- Question *re—contd.*
Possibilities of improving railway earnings between Simla and Summer Hill, North Western Railway. 34.
Provision of fans in third and inter class compartments. 30.
Rail motor fares between Summer Hill and Simla, North Western Railway. 33-34.
Third class compartments. 30.

RAIL MOTOR FARES—

- Question *re* — between Summer Hill and Simla, North Western Railway. 33-34.

RAILS —

- Question *re* supply of — and fish-plates from the Tata Iron and Steel Co., Ltd. 98.

RAILWAY(S)—

- Bengal and North-Western —
Question *re—*
Percentage of Anglo-Indians, Hindus and Muhammadans on the —. 392.
Terminus for trains running on the Benares-Allahabad Branch, —. 391.
Through connection with the East Indian Railway for the Benares-Allahabad Branch, —. 392.

Dacca-Aricha —

- Question *re* construction of the —. 29.

Dibru-Sadiya —

- Question *re* alarm signal chains in the railway carriages of the —. 387.

Eastern Bengal —

- Question *re—*
Accident at Barrackpore railway station, —. 31.
Accident at Serajganj goods yard, —. 31-32.

East Indian —

- Question *re—*
Contract by the — for the purchase of locomotives from Krupps. 122.
Divisional Superintendent, Moradabad, —. 20-21.
Removal of gate No. 38 near the railway station, Tharwai, —. 177.
Terminal, pilgrim and municipal taxes realised by the —, 395-97.
Through connection with the — for the Benares-Allahabad Branch, Bengal and North-Western Railway. 392.

Railway(s)—contd.

- Great Indian Peninsula —
Question *re* grievances of third class passengers, —. 27.
North Western —
Question *re—*
Kalka-Simla Section, —. 18.
Possibilities of improving railway earnings between Simla and Summer Hill, —. 34.
Rail motor fares between Summer Hill and Simla, —. 33-34.
Rohilkund and Kumaon —
Question *re—*
Bath rooms at railway station, Hardwar, —. 185-86.
Waiting rooms at railway station, Hardwar, —. 185.
State-managed —
Question *re* proportion of purchases actually made by — through the Indian Stores Department. 311.
Tangi-Tangail-Singjani —
Question *re* —. 15-16.

RAILWAY CARRIAGES—

- Question *re* alarm signal chains in the — of the Dibru-Sadiya Railway. 387.

RAILWAY EARNINGS—

- Question *re* possibilities of improving — between Simla and Summer Hill, North Western Railway. 34.

RAILWAY LINE—

- Question *re—*
Construction of a — connecting Manmad with Dhulia *via* Malegaon. 102.
Construction of a — between Kashipur and Kalagarh *via* Thakurdwara. 186.

RAM CHANDRA, HON. MR.—

- Indian Milch Cattle Protection Bill—
Motion for reference to Joint Committee. 155-56.
Motion for the election of one non-official Member to the Central Advisory Board of Education. 224.
Oath of Office. 15.
Resolution *re—*
Initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 132-35, 137, 140, 141-42.
Proposed reservation of the highlands in Kenya for Europeans. 219-22.
Provision for a separate whole-time Secretary to the Government of India in charge of "Indians Overseas." 163-65.

RAM SARAN DAS, HON. RAI BAHADUR LALA—

- Criminal Law Amendment Bill—
Motion to consider. 283-85.
Indian Milch Cattle Protection Bill—
Motion for reference to Joint Committee. 155, 156.
Madras City Hindu Temples Bill—
Motion for reference to Joint Committee. 299-300.
Nomination of the — to the Panel of Chairmen. 70-71.
Personal explanation by the — *re* transaction of official business on a non-official business day. 402-03.
Question (supplementary) *re* use of goods wagons for the carrying of passengers. 179.
Resolution *re—*
Flotation of sterling loans. 210, 213.
Increase in number of cadets admitted to the Indian Military Academy, Dehra Dun. 306-07.
Initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 135-36, 142.
Purchase of gold. 374-75, 377, 378, 380.
Recruitment of 100 British Service officers for the Indian Army. 149, 150.

RAY OF DINAJPUR, HON. MAHARAJA

- JAGADISH NATH—
Oath of Office, 15.

RAZA ALI, SIR SAIYID—

- Congratulations to — on the Honour conferred on him. 72.

RECRUITMENT—

- Question *re* — to the Indian Civil Service during the last five years. 182-84.
Resolution *re* — of 100 British Service officers for the Indian Army. 146-52.

REPEALING AND AMENDING BILL—

- See " — " under " BILL ".

RESCUE HOMES—

- Question *re* — in Delhi. 24.

RESERVE BANK OF INDIA—

- Question *re—*
Agreements entered into between provinces and the —. 233.
Agreements entered into by the — with the Imperial Bank of India. 175.
Agricultural credit department, —. 234.
Date from which the — took over all Government of India Accounts. 175.

RESERVE BANK OF INDIA—contd.

- Question *re—contd.*
Form in which the payment of Rs. 5 crores for the Reserve Fund was made to the —. 35.
Terms on which Deputy Controllers of the Currency and their staff have been transferred to the —. 175.
Statement (laid on the table) *re—*
Agreement between the — and the Imperial Bank of India. 65-68.
Agreement between the Secretary of State for India in Council and the —. 62-65.
See " SCHEDULED LIST OF THE — ".

RESERVE BANK OF INDIA (NOTE REFUND) RULES—

- Question *re* —. 95.

RESERVE FUND—

- Question *re* form in which the payment of Rs. 5 crores for the — was made to the Reserve Bank. 35.

RESOLUTION *re—*

- Contribution by His Majesty's Government towards the maintenance of the British Army in India. 288-92.
Employment of women during the night. 384-85.
Flotation of sterling loans. 203-16.
Glass industry. 187-203.
Improvement of jail libraries. 367-71.
Increase in number of cadets admitted to the Indian Military Academy, Dehra Dun. 301-08.
Initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 126-44.
Proposed reservation of the highlands in Kenya for Europeans. 217-22.
Provision for a separate whole-time Secretary to the Government of India in charge of "Indians Overseas." 160-66.
Purchase of gold. 371-84.
Recruitment of 100 British Service officers for the Indian Army. 146-52.
Reduction of the import duty on carbon blocks. 77-78.
Removal of sex disqualification and enfranchisement of women qualified to vote at Council of State elections. 144-46.

RETRENCHED PERSONS—

- Question *re* steps taken to re-employ — in Government of India Offices. 387.

RETRENCHED POSTS—

Question *re* — in the Government of India Offices. 388.

RIFLE FACTORY, ICHHAPUR—

Question *re* appointment of an European lady as "Chargeman" in the —. 87-88.

ROADS—

Election of one non-official Member to the Standing Committee for —. 77.

Motion for the election of one non-official Member to the Standing Committee for —, *vice* Sir Ernest Miller. 77.

Question *re* provision of lights on — leading to sweepers' quarters, New Delhi. 388.

ROHILKUND AND KUMAON RAILWAY—

See "—" under "RAILWAY(S)".

ROYAL COMMISSION ON AGRICULTURE—

Question *re* action taken on the recommendation of the —. 101.

RULING—

Bill—

Consideration stage—
General principles can only be discussed during the — of a —. 341.

Chair—

It is within the discretion of the — to allow or not to allow further debate on a subject which has been argued time and again in the Council. 307.

RUPEE COIN—

Question *re* stock of — and bullion held by Government on 31st August, 1935. 35.

RURAL UPLIFT—

Question *re* amount allotted to the Central Provinces for —. 39-60.

S**SALT—**

See "FOREIGN —".

SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL—

See "—" under "BILL".

SALT DEPOT—

Question *re* closure of a — in the Ennore Circle, Madras Presidency. 398.

SAPRU, HON. MR. P. N.—

Criminal Law Amendment Bill—

Motion to consider. 248, 264-75, 326, 331, 349, 356.

Consideration of clause 2. 361, 363.

Indian Coffee Cess Bill—

Motion to consider. 407.

Madras City Hindu Temples Bill—

Motion for reference to Joint Committee. 300.

Motion for Adjournment *re*—

Despatch of troops to Abyssinia. 80-82.

Unsatisfactory terms and constitution of the Special Tariff Board on the Indian textile industry. 123-24.

Question *re*—

Aeronautical Training Centre, Delhi. 310-11.

Amendment of insurance law in India. 90-91.

Appointment of a Trade Commissioner in Tokio. 179-80.

Assistance to the handloom industry. 309.

Deaths from malaria and consumption of quinine. 181.

Foreign insurance companies operating in India. 90.

Increased representation of Indians on Port Trusts. 96.

Indians in Zanzibar. 179.

Indo-Burma Financial Relationships Tribunal. 95.

Number of Indian newspapers in India. 177.

Number of Indians on the staff of the International Labour Office. 95.

Number of troops despatched to Abyssinia. 182.

Parasitic diseases and tuberculosis among domesticated animals. 178.

Plight of sugar factories in the United Provinces. 309-10.

Proportion of purchases made by State-managed Railways through the Indian Stores Department. 311.

Protection to the glass industry. 89-90.

Rebuilding of Quetta. 180.

Recruitment to the Indian Civil Service during the last five years. 182-84.

Removal of gate No. 38 near the railway station, Tharwai, East Indian Railway. 176.

Restrictions imposed by certain countries on imports from India. 94.

Revision of the Indian Companies Act. 96.

Revision of the Reserve Bank of India (Note Refund) Rules. 95.

SAPRU, HON. MR. P. N.—*contd.*

Question *re*—*contd.*

"Scheme for the regulation of India's exports and imports. 94-95.

Total contribution of India to the League of Nations. 91-94.

Trade agreements with countries trading with India. 180.

Traffic in spurious drugs. 180-81.

Use of goods wagons for the carrying of passengers. 178-79.

Value of gold exported from India. 310.

Question (supplementary) *re*—

Accident at Barrackpore railway station, Eastern Bengal Railway. 31.

Cabinet Secretary. 393.

Concessions granted for the manufacture of sodaash. 27.

Divisional Superintendent, Moradabad, East Indian Railway. 21.

Foreign insurance companies operating in India. 90.

Increased representation of Indians on Port Trusts. 96.

Indo-Burma Financial Relationships Tribunal. 95.

Kalka-Simla Section, North Western Railway. 19.

Rebuilding of Quetta. 180.

Traffic in spurious drugs. 181.

Undesirability of frequent changes in the nominated personnel of the Medical Council of India. 18.

Use of goods wagons for the carrying of passengers. 178-79.

Resolution *re*—

Contribution by His Majesty's Government towards the maintenance of the British Army in India. 292.

Glass industry. 200-01.

Proposed reservation of the highlands in Kenya for Europeans. 217-19.

Provision for a separate whole-time Secretary to the Government of India in charge of "Indians Overseas." 162, 165.

SARVADRIKARY, SIR DEVA PRASAD—

Expressions of regret at the deaths of Mr. P. C. D. Chari, Sir John Thompson, Sir Basil Blackett and —. 73-76.

SCHEDULED LIST OF THE RESERVE BANK OF INDIA—

Question *re* terms and conditions on which indigenous bankers and shroffs might be included in the —. 101.

SECRETARY OF STATE FOR INDIA IN COUNCIL—

Statement (laid on the table) *re* agreement between the — and the Reserve Bank of India. 62-65.

SECURITY—

Question *re* newspapers and presses from which — has been demanded during the last three years. 102-22.

SENIORITY—

Question *re* — in the Private Secretary to the Viceroy's Press. 389.

SERAJGANJ GOODS YARD—

Question *re* accident at —, Eastern Bengal Railway. 31-32.

SETHNA, HON. SIR PHIROZE—

Criminal Law Amendment Bill—

Motion to consider. 244-50.

Nomination of the — to the Panel of Chairmen. 70-71.

Question *re*—

Action taken on the recommendations of the Royal Commission on Agriculture. 101.

Construction of a railway line connecting Manmad with Dhulia via Malegaon. 102.

Date of provincial elections under the New Constitution. 101.

Newspapers and presses from which security has been demanded during the last three years. 102-22.

Number of European and Indian pilots in the various Port Trusts. 99.

Number of European and Indian trustees in the various Port Trusts. 99.

Number of Europeans, Anglo-Indians and Indians in the various Port Trusts on posts carrying an initial salary of Rs. 500 and upwards. 99.

Protection of Indians in Abyssinia. 102.

Recommendation of the Central Banking Enquiry Committee for a Banking Act. 100.

Recommendation of the Central Banking Enquiry Committee for the creation of special institutions for the financing of agriculture and industry. 100.

Terms and conditions on which indigenous bankers and shroffs might be included in the Scheduled List of the Reserve Bank of India. 101.

Question (supplementary) *re*—

Use of goods wagons for the carrying of passengers. 179.

Initiation of early measures to implement the conclusions of the Report of the Drugs Inquiry Committee. 128-32.

Provision for a separate whole-time Secretary to the Government of India in charge of "Indians Overseas." 160-63, 165-66.

- SHIPPING ARRANGEMENTS**—
Question *re* — for pilgrim traffic. 237.
- SHROFFS**—
Question *re* terms and conditions on which indigenous bankers and — might be included in the Scheduled List of the Reserve Bank of India. 101.
- SILVER**—
Question *re* recommendation of the Joint Committee on the Reserve Bank Bill with regard to —. 176.
Statement (laid on the table) *re* quantity of — purchased since 1915. 403-04.
- SILVER REDEMPTION FUND**—
Question *re* —. 96.
- SIMLA**—
See "GOVERNMENT ORTHODOX QUARTERS".
See "GOVERNMENT QUARTERS".
See "GOVERNMENT UNORTHODOX QUARTERS".
See "RAIL MOTOR FARES".
See "RAILWAY EARNINGS".
- SIMLA HOUSE-RENT ALLOWANCE**—
Question *re* occupation of Government unorthodox quarters, Simla, by employees entitled to — at the old rates. 172.
- SINHA, HON. KUMAR NRIPENDRA NARAYAN**—
Criminal Law Amendment Bill—
Motion to consider. 278-79.
- SLOAN, HON. MR. T.**—
Criminal Law Amendment Bill—
Motion to consider. 237-44, 251, 260, 261, 318, 355-59.
Motion to pass. 384.
Madras City Hindu Temples Bill—
Motion for reference to Joint Committee. 295-96.
Oath of Office. 15.
Resolution *re*—
Improvement of jail libraries. 369-70.
Removal of sex disqualification and enfranchisement of women qualified to vote at Council of State elections. 146.
- SODAASH**—
Question *re* concessions granted for the manufacture of —. 25-27.
- SPECIAL TARIFF BOARD**—
Motion for Adjournment *re* unsatisfactory terms and constitution of the — in the Indian textile industry. 123-24.

- SPENCE, HON. MR. G. H.**—
Central Provinces Courts (Supplementary) Bill—
Motion to consider. 225.
Motion to pass. 225.
Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—
Motion to consider. 409-10, 411-12.
Motion to pass. 412.
Motion for the election of one non-official Member to the Standing Committee for Roads, *vice* Sir Ernest Miller. 77.
Provincial Insolvency (Amendment) Bill—
Motion to consider. 226.
Motion to pass. 227.
Provincial Small Cause Courts (Amendment) Bill—
Motion to consider. 225.
Motion to pass. 226.
Repealing and Amending Bill—
Motion to consider. 386.
Motion to pass. 386.
- SPURIOUS DRUGS**—
Question *re* traffic in —. 180-81.
- STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT**—
Ballot for the election of one non-official Member to the —. 412.
Motion for the election of one non-official Member to the —. 223.
Nominations for the election of one non-official Member to the —. 287.
Result of the election to the —. 413.
- STANDING COMMITTEE FOR ROADS**—
Election of one non-official Member to the —. 77.
Motion for the election of one non-official Member to the —, *vice* Sir Ernest Miller. 77.
- STANDING COMMITTEE ON EMIGRATION**—
Election of one non-official Member to the —. 288.
Motion for election of one non-official Member to the —, *vice* Mr. B. K. Basu. 76.
Nominations of non-official Members for election to the —. 186.
- STATEMENT (LAID ON THE TABLE) re**—
Agreement between the Reserve Bank of India and the Imperial Bank of India. 65-68.
Agreement between the Secretary of State for India in Council and the Reserve Bank of India. 62-65.
Chairman of Port Trusts. 69.
Hardwar Improvement Advisory Committee. 404.
Indian military pensioners. 223.

- STATEMENT (LAID ON THE TABLE) re**—
**contd.*
Objects on which the Petrol Tax Fund was expended during 1934-35. 70.
Quantity of silver purchased since 1915. 403-04.
- STATEMENT OF BUSINESS**—
— by the Hon. the Leader of the House. 125, 222, 365-66.
- STENOGRAPHERS**—
Question *re* appointment of Indians as — to His Excellency the Viceroy, His Excellency the Commander-in-Chief and Governors of Provinces. 395.
- STERLING LOANS**—
Question *re*—
Increase in funded — of the Government of India. 230.
Outstanding — of the Government of India. 230-32.
Resolution *re* flotation of —. 203-16.
- STEWART, HON. MR. T. A.**—
Congratulations to the — on the Honour conferred on him. 72.
Indian Coffee Cess Bill—
Motion to consider. 404-05, 406, 408.
Motion to pass. 409.
Motion for Adjournment *re* unsatisfactory terms and constitution of the Special Tariff Board on the Indian textile industry. 123-24.
Resolution *re*—
Glass industry. 187, 192-95, 201, 202.
Reduction of the import duty on carbon blocks. 77-78.
- STORES DEPARTMENT**—
See "INDIAN —".
- SUGAR-CANE**—
Question *re* application of the law for the fixation of the minimum price of —. 36.
- SUGAR-CANE INDUSTRY**—
Question *re* present condition of the —. 37.
- SUGAR FACTORIES**—
Question *re* plight of — in the United Provinces. 309-10.
- SUGAR INDUSTRY**—
Question *re*—
Molasses and the —. 36-37.
— and external competition. 37.
- SUHRAWARDY, HON. MR. MAHMOOD**—
Criminal Law Amendment Bill—
Motion to consider. 277-78.

- SUMMER HILL**—
See "GOVERNMENT QUARTERS".
See "RAIL MOTOR FARES".
See "RAILWAY EARNINGS".
- SUPERVISORS RECRUITMENT EXAMINATION**—
See "TELEGRAPH ENGINEERING —".
- SWEEPERS' QUARTERS**—
Question *re* provision of lights on roads leading to —, New Delhi. 388.

T

- TALKatora GARDEN, NEW DELHI**—
See "GOVERNMENT QUARTERS".
- TALLENTS, HON. MR. P. C.**—
Resolution *re*—
Flotation of sterling loans. 207, 209-13, 216.
Purchase of gold. 376-81.
- TANGI-TANGAIL-SINGJANI RAILWAY**—
See "—" under "RAILWAY(S)".
- TARIFF (AMENDMENT) BILL**—
See "INDIAN —" under "BILL".
- TARIFF BOARD**—
Question *re* industries reported on by the — and on which action is outstanding. 235.

See "SPECIAL —".
- TATA IRON AND STEEL CO., LTD.**—
Question *re* supply of rails and fish-plates from the —. 98.
- TAYLOR, SIR JAMES**—
Congratulations to — on the Honour conferred on him. 72.
- TEA CESS AMENDMENT BILL**—
See "INDIAN —" under "BILL".
- TECHNICAL MILITARY CLERKS**—
Question *re* number of — in the Master General of the Ordnance Branch, Army Headquarters. 88.
- TECHNICAL POSTS**—
Question *re* — in Government of India Offices. 388.
- TELEGRAPH ENGINEERING SUPERVISORS RECRUITMENT EXAMINATION**—
Question *re* —.
- TEMPORARY CLERKS**—
Question *re* confirmation of — in Government of India Offices, etc. 398-99.

TEMPORARY SERVICE—

Question *re* continuous — in Government of India Offices to count for pension. 399-400.

TERMINAL TAXES—

Question *re* pilgrim, municipal and — realised by the East Indian Railway. 395-97.

TERMINUS—

Question *re* — for trains running on the Benares-Allahabad Branch, Bengal and North-Western Railway. 391.

TEXTILE INDUSTRY—

See "INDIAN —".

THAKURDWARA—

See "RAILWAY LINE".

THARWAI RAILWAY STATION, EAST INDIAN RAILWAY—

Question *re* removal of gate No. 38 near the —. 177.

THIRD CLASS CARRIAGES—

Question *re* new design of —. 30-31.

THIRD CLASS COMPARTMENTS—

Question *re* —
Provision of fans in inter and —. 30.
— 30.

THIRD CLASS PASSENGERS—

Question *re* grievances of —, Great Indian Peninsula Railway. 27.

THOMPSON, SIR JOHN—

Expression of regret at the deaths of Mr. P. C. D. Chari, —, Sir Basil Blackett and Sir Deva Prasad Sarvadhikary. 73-76.

TOKIO—

See "TRADE COMMISSIONER".

TOTAQUINA—

Question *re* production of —. 17.

TRADE AGREEMENT—

Question *re* — with countries trading with India. 180.

TRADE COMMISSIONER—

Question *re* appointment of a — in Tokio. 179-80.

TRAFFIC—

See "PIGRIM —".

TRAIN—

Question *re* terminus for — running on the Benares-Allahabad Branch, Bengal and North-Western Railway. 391.

TROOPS—

Motion for Adjournment *re* despatch of — to Abyssinia. 61-62, 78-86.
Question *re* number of — despatched to Abyssinia. 182.

TRUSTEES—

See "EUROPEAN —".
See "INDIAN —".

TUBERCULOSIS—

Question *re* parasitic diseases and — among domesticated animals. 178.

U

UNITED PROVINCES—

See "SUGAR FACTORIES".

UPPER ASSAM—

See "LETTERS".

V

VICEREGAL LODGE—

Question *re* Government quarters allotted to duffries, etc., serving in —, New Delhi. 389.

VICEROY, HIS EXCELLENCY THE—

Address by — to the Members of the Council of State and the Legislative Assembly. 1-13.

Question *re* appointment of Indians as stenographers to —, His Excellency the Commander-in-Chief and Governors of Provinces. 395.

VICEROYS' PRESS—

See "PRIVATE SECRETARY TO THE —".

W

WAGONS—

See "GOODS —".

WAITING ROOMS—

Question *re* — at railway station, Hardwar, Rohilkund and Kumaon Railway. 185.

WATCH AND WARD ESTABLISHMENT—

Question *re* qualifications for appointment in the —. 309.

WOMEN—

See "EMPLOYMENT OF —".
See "ENFRANCHISEMENT OF —".
See "OFFENCES AGAINST —".

Z

ZAFRULLAH KHAN, HON. SIR MUHAMMAD—

Congratulations to the — on the Honour conferred on him. 71-72.

ZANZIBAR—

See "INDIANS".

ZANZIBAR DECREES—

Question *re* —. 21.

THE COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE TENDH SESSION OF THE THIRD
COUNCIL OF STATE)

VOLUME II—1935

COUNCIL OF STATE.

Monday, 16th September, 1935.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

HIS EXCELLENCY THE VICEROY: Gentlemen,—Once again it is my privilege as Viceroy to address Honourable Members of both Houses and to give a brief review of the general conditions affecting India, but before doing so, I wish to make a brief reference of a personal character.

Before I shall have an opportunity of addressing you again, my Government will have said farewell to a valued colleague, and the Upper House to one of its most distinguished Members. Field-Marshal Sir Philip Chetwode's term of office as Commander-in-Chief has been one of the most eventful within living memory for the Army in India, and I cannot let this opportunity pass without paying my heartfelt tribute to the value of the outstanding services that he has rendered to India.

In addressing the Members of the Legislative Assembly in January last I expressed the hope that local Governments and local committees would receive the support of all communities in celebrating the 25th anniversary of the accession of His Majesty the King-Emperor to the Throne, and that the princes and people of India would once more give proof of their devotion to the Crown and of their sympathy for those in need by responding to my appeal on behalf of a fund to commemorate the occasion in an appropriate manner. I am glad to be able today to acknowledge how magnificently my expectations have been fulfilled. From every part of India my Government received reports of the genuine and spontaneous exhibitions of enthusiasm which accompanied the Jubilee celebrations not only in the larger towns but also in small and remote villages. The efforts of a few misguided people here and there to mar the occasion only served to show how few such persons were,

[H. E. the Viceroy.]

and how out of sympathy with the general spirit of the people of India, who everywhere were eager to show their loyalty and devotion to the Crown. The response to my appeal has been equally gratifying and it is evidence of the generosity of the princes and people of India that the total collections for the Silver Jubilee fund amount to the splendid sum of over Rs. 125 lakhs. This result could not have been achieved without good organisation and much well-directed effort, and to all those, throughout the length and breadth of the land, who have contributed in any way to the success of the Fund I accord my grateful thanks. It will, I am certain, be a cause of great satisfaction to His Majesty the King-Emperor to know that his Silver Jubilee will for all time be associated in India with so great an increase in the resources of institutions which bring relief to those in sickness and distress.

I now turn to Foreign Affairs. As regards Nepal, I would only say that 1934 added still another year to the long tale of unbroken friendship and mutual confidence which are traditional between India and this her only Asiatic neighbour within the Himalayan wall.

In another frontier field there are interesting developments to record. As the result of an agreement concluded with His Highness the Maharaja of Kashmir in March last, the civil and military administration of the trans-Indus portion of the Gilgit Wazarat was taken over by the Government of India on the 1st of last month. The change, without diminishing the suzerain rights of His Highness, places undivided local control in the hands of the Government of India on an important sector of the Indian frontier. I am happy to be in a position to assure the House that the reorganisation has been completed without additional expenditure to Indian revenues.

Beyond the Gilgit frontier stands Sinkiang or Chinese Turkestan, the westernmost province of China. In this Province the situation continues to be obscure and uncertain. My Government learnt with concern of the distress caused by the recent civil turmoil in this friendly and important province and the ensuing dislocation of the ancient commerce between India and China by the Karakoram passes. The Indian traders in Sinkiang have unfortunately suffered much hardship and loss both to life and property, but there are signs that the efforts of His Majesty's Consulate at Kashgar in their behalf are bearing fruit. Indeed one of the most affecting tributes of loyalty to the King-Emperor came from these very traders, who despite all hardships and losses in this distant land combined to contribute a sum of several thousand rupees to His Majesty's Silver Jubilee fund. Our sympathies are with the local Sinkiang authorities and with the Central Chinese Government in their task of maintaining order and control, a matter of no little neighbourly concern to India.

My Government have under active consideration the question of the improvement of trade facilities between India and Afghanistan in the light of the report of the Trade Delegation which visited that country from India in the spring of last year. In particular it is our desire, if possible, to devise means of lessening the difficulties to Indian trade created by the recent adoption by the Afghan Government of a State trade monopoly system.

His Majesty's Government and the Government of India have special relations of long standing with the independent rulers of the States on the Arab Coast of the Persian Gulf and have accepted special responsibilities towards them. In order to strengthen these ties and in view of the fact that the Arab Coast has acquired a new and increasing importance as a result of the establishment of the Imperial Airways route on that coast and of recent commercial developments, His Majesty's Government, with the concurrence of His Excellency the Shaikh of Bahrain, have now transferred to Bahrain their naval stations hitherto existing at Henjam and Basidu. His Highness the Sultan of Muscat, Their Excellencies the Shaikhs of Kuwait and Bahrain, and certain of the Trucial Coast Shaikhs have concluded agreements with the British Government, which facilitate the passage of the aircraft which form a link of ever-increasing importance in the Empire chain of communications—a link in which the Government of India have a vital interest. I shall always remember with pleasure my meetings with certain of the Arab rulers in the course of my recent journeys by air through their territories. Their loyalty to their ancient associations with the British Government and the Government of India was on that occasion expressed in the most marked manner, and they may rest assured that no Viceroy in India can fail to have their interest at heart.

The frontier province of Baluchistan has been the focus of world-wide sympathy on account of the terrible earthquake which, as Honourable Members are aware, recently overtook the city of Quetta and the surrounding areas and which caused a loss of life and destruction of property probably unprecedented in the history of this country. The outstanding feature of the scene of suffering and devastation that followed this catastrophe was the prompt and effective manner in which the troops of the Quetta garrison—officers and men—were organised for relief and rescue work. I had the privilege of paying them all my personal tribute of admiration during my recent visit to Quetta. I now take this opportunity again of expressing on behalf of the Government of India and myself our heartfelt sympathy with all those who have suffered and our deep gratitude to those, including the various relief organisations, who have spared no efforts to alleviate their suffering and losses; and in this connection I wish particularly to bring publicly to your notice the magnificent work that was done by the ladies of Quetta for whose untiring and devoted service it is difficult to find words of sufficient praise and appreciation. I must also make mention of the most generous way in which Local Governments, particularly of the Punjab, Bombay and the North-West Frontier Province, have responded to our appeal for help with staff, money and medical and other facilities, and we are indebted to them and their officers for the efficient organisations set up by them for the reception and relief of refugees. My very sincere thanks are also due for the generous and world-wide sympathy that has been shown in response to my appeal for funds. It is evident that the damage which has been caused amounts to several crores of rupees, and we shall need all the money we can collect if we are to be able effectively to relieve the thousands who have been rendered homeless and destitute.

The problem of the delimitation of the undemarcated frontier between Burma and China to which I referred when I last addressed this House has advanced a stage nearer to solution. As the result of an agreement reached

[H. E. the Viceroy.]

between His Majesty's Government in the United Kingdom and the Government of India on the one hand and the Chinese Government on the other hand by an Exchange of Notes, a Joint Boundary Commission, with a neutral Chairman nominated by the League of Nations, has been appointed to determine the southern section of the undemarcated boundary between Burma and Yunnan. The League has been fortunate in securing the services of Colonel Iselin of the Swiss Army as Chairman of the Commission. This officer has the experience of having successfully and impartially determined the frontier between Iraq and Syria, and is thus particularly well qualified to preside over the labours of the Commission on the Indo-Chinese frontier. The Commission hopes to assemble by the 1st December next and start operations immediately.

Whilst on the subject of Burma I would remind Honourable Members that when I addressed them in January last, I mentioned that the question of the trade relations between India and Burma after separation was the subject of conversations between my Government and the Government of Burma. These negotiations have now been concluded and the agreement which has been reached has been embodied in the Draft Orders in Council which were recently published for general information. These Draft Orders will in due course be laid before Parliament in accordance with the provisions of the Constitution Act, and it would perhaps be inappropriate at this stage to discuss them in any detail. I would, however, say that they represent the agreed opinions of my Government and of the Government of Burma as to the régime which is best calculated to create an atmosphere in which the two countries may, during the period of transition, soberly and dispassionately consider the problems of their future relations.

I am aware of the deep interest which Honourable Members have consistently evinced, since the legislation of last year, in the position of Indians in Zanzibar. The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. The decision of the Secretary of State for the Colonies that, if specific cases of hardship alleged to have resulted from the operation of the Cloves Decrees, are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and, if necessary, brought to the notice of the Secretary of State for the Colonies has already been announced. All that I can do at this stage is to assure Honourable Members of the unceasing vigilance and solicitude of my Government.

Honourable Members will remember that in the course of my last address to the two Houses of the Central Legislature I referred to the outcome of Mr. Menon's enquiries regarding the probable effects of the Marketing Bill, which had been gazetted in Kenya, on the interests of Indians. His report has since been published together with the comments of the Governors of Kenya, Uganda and Tanganyika. I also informed Honourable Members that in deference to the wishes of the Government of India the Kenya Government had agreed to defer progress with the Bill pending consideration of Mr. Menon's report. It was not to be expected that legislation, which had already been announced on the lines of that existing in the sister territories of Uganda and Tanganyika,

and of which the primary object was to improve methods of marketing, would be abandoned. The Government of India, therefore, bent their efforts to securing such amendments in the Bill as would reduce the hardships and remove the apprehensions of the Indian trading community in Kenya. The provision of the Bill which evoked the liveliest criticism was that relating to the grant of exclusive licences. It was feared that if, as was originally proposed, the Governor-in-Council was entitled to issue exclusive licences without reference to the Legislative Council, there would be neither sufficient publicity nor adequate opportunity for discussing the question whether the issue of such licences was necessary or justified. In order to meet this objection the Government of Kenya have inserted a provision in the Bill to the effect that the application of the principle of an exclusive licence to any particular type of produce shall be effected by motion in the Legislative Council after 14 days' notice has been given. Apart from the question of exclusive licences, the chief anxiety of Indians was that the number of buying centres might be unduly restricted, and that they might be located at inconvenient distances from existing markets. In this respect the Government of Kenya had agreed to give an assurance that all important markets existing at present would be declared as buying centres. It is understood that the Government of Kenya have gone further and have inserted an amendment in the Bill itself providing that trading centres will automatically be markets under the Ordinance. Certain subsidiary amendments, such as the provision that reasons for the refusal to grant or renew a licence shall be recorded in writing, have also been effected. Above all a categorical assurance has been given both by the Colonial Office and by the Government of Kenya that the Bill is not racial in its intention and will not be racial in its operation. These are important safeguards. As Honourable Members are aware, the Secretary of State for the Colonies has agreed that the Bill should not be brought into operation until he has had an opportunity of considering it as passed, if necessary, in consultation with the Secretary of State for India. The way is, therefore, still open to further representations by us, should these become necessary.

A subject of considerable general interest and importance on which I should like to dwell is the activities of the Indian Research Fund Association. The Association depends for its activities primarily on funds provided by Government. The Central Legislature is represented on its Governing Body by two members elected by the Legislative Assembly and one member elected by the Council of State, but I am not sure whether the nature or extent of the work done by the Association are widely known. This must be my excuse for referring to the subject.

I think I am correct in saying that the Association which was founded in 1911 was the first organisation of its kind to be constituted in the British Empire; the Medical Research Council in England was started only during the Great War. An increasing degree of public interest is being directed towards the graver diseases which afflict our country, such as malaria, kala-azar and cholera. In kala-azar notable success has been achieved through investigations made by a special Commission appointed by the Association and through ancillary enquiries which it partly financed. As a result, this disease which at one time seemed so menacing a problem in the Eastern parts of India may now be said to have been brought definitely under control. During more recent years

[H. E. the Viceroy.]

the problems associated with cholera have been receiving intensive study, and I am informed that there is considerable hope that the enquiries now being carried out will throw new light on many of the puzzling features of this formidable epidemic disease. Malaria is a disease of more widespread incidence and presents more varied problems. I need hardly remind Honourable Members that it was an officer of the Indian Medical Service who discovered how the disease is transmitted and thereby pointed out the course of subsequent investigation. It is, therefore, in the fitness of things that India should continue to take a leading part in the investigation of malarial problems. The Malaria Survey of India organised by the Indian Research Fund Association has been at work for years past and has achieved notable results. As an illustration of its activities I may add that, at the moment, one of its parties is engaged in a survey of Quetta and its environments where malaria has been, and is, one of the major problems of public health.

All of us, perhaps, are familiar by now with the term "deficiency disease" and all that it connotes. The Research Fund Association has been for long cognisant of its fundamental importance and among its most notable achievements are the researches in nutrition carried out in Coonoor by Sir Robert McCarrison who has earned a world-wide reputation and has brought credit to himself and to India. The results of researches carried out under the auspices of the Association are published from time to time in the Indian Journal of Medical Research and the Records of the Malaria Survey—publications issued under its authority—but for the convenience of the general public non-technical articles are also issued periodically to the lay press.

The account that I have given of the activities of the Association has had to be brief. It must not be regarded as exhaustive. But if it should serve to focus interest on a branch of research which is of the utmost importance to the welfare of the country, my object will have been served. For interest begets sympathy and sympathy encouragement. The lot of the research worker is often to miss both, because of the highly technical nature of his investigation and the comparative infrequency of dramatic discoveries. But these latter, when they come, are the culmination of years of patient toil by men whose normal reward is only the satisfaction that comes of duty conscientiously done. Our more enlightened age should at least lend them the encouragement of a public consciousness of the essentially cumulative character of scientific discovery.

Honourable Members will be interested to hear of a recent decision taken by my Government about the disposal of our surplus stocks of quinine. Although Public Health is a transferred provincial subject, the Government of India decided, some time ago, that they should maintain a reserve of 150,000 lbs. of this drug in order to meet possible emergencies. The recent distressing experience of Ceylon where the incidence of malaria on an unprecedented scale last year rapidly depleted locally available supplies has emphasised the wisdom of this decision. The surplus to which I have referred represents the stock of quinine in the possession of the Government of India over and above this reserve. The question of its disposal has been engaging the attention of my Government for some time past. Considering the constitutional

position, we were under no obligation to distribute it to Local Governments below the prevailing market rates. Nevertheless in 1932 Local Governments were offered supplies, in addition to their normal annual requirements, at a price lower than the cost of production, so that they may be enabled to extend "quininisation" of the people at a smaller cost than would be incurred if these additional requirements were obtained at current market prices. This scheme fell through mainly because Local Governments found themselves unable to buy the entire surplus stock with sufficient rapidity even at the reduced price. The Government of India then endeavoured, with the full consent of past Public Accounts Committees, to sell this surplus to trade agencies, not with a view to financial profit but in order to convert into cash a commodity for which there was no effective official demand and thus make available funds that might be utilised for some useful purpose of public benefit. These efforts not having met with appreciable success, it was decided recently to distribute 45,000 lbs. free to Local Governments subject to the condition that this amount will be distributed free over and above the quantities which Local Governments may now be distributing at their expense. The amount which is proposed to be distributed comes to more than half the available surplus, which at the end of June last was only 79,000 lbs. and represents, at the current market price of quinine, a gift of Rs. 10 lakhs to the provinces. It is hoped that the bulk of this will reach the masses in the rural areas and supplement, in the field of public health, the assistance that the contribution of one crore announced by the Honourable Finance Member during his last budget speech was designed to provide towards rural reconstruction.

You will, I think, expect me to make some mention of a matter which, particularly at the present time, is of great public interest. I refer to India's foreign trade. Nine months ago I ventured to express some degree of cautious optimism in spite of the disabilities under which international trade was then labouring. It is a matter for regret that world conditions still show little sign of the long awaited recovery. On the contrary, yet another of our most important markets, namely, Italy, has been obliged to impose a system of drastic control over imports, in order to protect her foreign exchange position. Nevertheless, I feel that I am justified, so far as India is concerned, in repeating that note of optimism. India's exports of merchandise for the first four months of the present trade year show an increase of more than Rs. 4½ crores over the figures for the corresponding period of 1933, and though they show a comparatively small increase of Rs. 1½ lakhs over last year's total, it must be remembered that 1934 was marked by exceptional purchases of raw cotton by Japan. On this one head of our trade accounts alone, namely, cotton purchase by Japan, there has been a decrease of over Rs. 3½ crores in the present year. Omitting this exceptional item, India's export trade in other commodities has improved by Rs. 3 crores in comparison with last year. Honourable Members may be interested more particularly in the results of our trading with Germany and Italy—countries in which the most stringent measures of control have been imposed. In the case of Germany our information is based on the reports of our Trade Commissioner in Hamburg, who has made a critical examination of the German import statistics. Mr. Gupta informs us that in the last quarter of 1934 the balance of trade was

[H. E. the Viceroy.]

against India to the extent of $2\frac{1}{2}$ per cent. In the first quarter of 1935 the balance was even, showing an exchange of goods valued at 26 million Reichsmarks. For the second quarter of 1935 the balance has again swung in India's favour and Germany has imported from India goods valued at 31 million Reichsmarks against exports to India of 24 million only. Again, in the case of Italy, contrary to what might have been expected from the new and stringent system of import control, our exports in the first four months of this year have fallen off by 6 per cent. only.

I quote these figures in no spirit of complacency. My Government are fully alive to the dangers with which the course of international trade is now beset and they will continue to watch the situation with the most anxious care.

Before I leave this subject, may I bring one circumstance to the notice of those who may have found little consolation in a comparison of the trade figures of pre-depression years with those of the present day? I would ask them to remember that world prices of primary commodities have fallen some 45 per cent. since 1929, and that values in themselves are no true index to the variation in the quantum of trade.

I turn now to certain industrial matters of interest. The coal industry in particular has been prominent in our thoughts in recent months. You will, I am sure, share my deep regret at the two tragic mining disasters which recently occurred within a month of each other and in which 81 persons in all lost their lives. The second of these accidents was, with one exception, the worst mining disaster that has occurred in India. In spite of all that care and foresight can do, mining remains in every country in the world a dangerous occupation and our record in India in this matter hitherto has been comparatively good. These two last disasters have each been referred for investigation to Statutory Courts of Enquiry by the Government of Bihar and Orissa, and I do not therefore desire to comment further upon them except to say that I trust that the results of the Courts' investigations will be to indicate some steps by which the risk of the recurrence of such events can be minimised.

I noted with pleasure the passing at your last session of the Mines (Amendment) Act which will reduce the hours of labour, will give further protection to children and will effect a number of other reforms. It will come into force in a fortnight's time, and I hope that it will prove effective in increasing the welfare and efficiency of the miners.

As most of you are probably aware we have now constituted within the Government of India a Bureau of Industrial Intelligence and Research, and the Advisory Council for this subject held recently its first meeting in Simla. I am glad to say that we have secured the co-operation of the Provincial Governments, of the leading States and of prominent non-officials on this Council. We have started on a small scale, but it is hardly necessary for me to emphasise the increasing importance of industrial research and intelligence for the advancement of industry. It is my hope that, as this work develops, it may prove of substantial assistance to Indian industrialists and particularly to those who, by reason of the small scale on which they work, are unable to undertake research for themselves or, in present conditions, to avail themselves of adequate expert advice.

Civil Aviation is a subject which will, during the next few years, force itself increasingly upon us all. You will remember that about a year ago we undertook an important programme of development designed primarily to bring the main Trans-India route and certain internal routes into line with modern ideas. In order to ensure the close co-operation required between the Civil Aviation experts and the engineers, we have formed a special Civil Aviation Circle in the Central Public Works Department to carry out the programme directly. The estimated cost of the work was Rs. 92.57 lakhs and you will be interested to hear that orders have already been placed for hangars at a total cost of Rs. 16 lakhs and for lighting equipment at a cost of approximately Rs. 9½ lakhs. Progress with works for which special surveys have to be made will naturally be rather slower, but the outlines of the programme as a whole are being filled in. We are now faced with the introduction of regular night flying and with a greatly increased intensity of the trans-India services. These changes will involve certain important adjustments within the original programme, and I hope that our ground organisation will be developed fast enough to meet the demands of the air.

A less spectacular but not less useful branch of official activity is the administration of the Road Fund. Your Resolutions of April, 1934, prolonged the life of the Road Account indefinitely and made it possible for the Standing Committee on Roads to take a longer and perhaps a more generous view in dealing with the demands of the Provinces. A special contribution of Rs. 40 lakhs to the reserve in the Account was a most welcome addition to the sum available for distribution, and in March last the Standing Committee was able to approve in general outline the distribution of approximately Rs. 118 lakhs from the reserve, this sum representing resources actually in hand *plus* the additional resources likely to accrue during the execution of the works. We have not forgotten the provinces which are most in need of help for road development, and the scheme approved by the Committee allows for grants of Rs. 25 lakhs and Rs. 12½ lakhs to Assam and Bihar and Orissa, respectively. The needs of the new provinces of Orissa and Sind will be specially considered; surveys are in progress in Orissa and will shortly be undertaken in Sind.

You are aware that for some time past my Government have been giving attention to the development of broadcasting. At the last session of the Legislative Assembly a fund of Rs. 20 lakhs was created for this purpose, and we are now considering to which of our many needs this fund should be devoted. We are already erecting a large transmitting station in Delhi to broadcast programmes in English and in Urdu. This station will, I hope, be ready for use before the end of this year. A large transmitting station at Madras will certainly be needed and we hope to instal new and powerful transmitters at the existing stations at Calcutta and Bombay. Whether it will be possible within the resources now at our disposal to instal four relay receivers and two shortwave stations to complete a broadcasting framework for India as a whole, I cannot yet say. A more detailed investigation of costs will be made during the coming winter, and a definite scheme for the expenditure of the sum included in the fund will then be prepared.

It is a matter of great disappointment to me that the improvement in railway earnings, which was so welcome a feature of the previous year, has

[H. E. the Viceroy.]

suffered a setback during the current year, though I hope it is only temporary. Till the middle of August railway earnings have been about half a crore below those of last year, and unless there is a change for the better soon the position of Indian railways will again become serious. I can only add at present that my Government are fully alive to the gravity of the situation and are in consultation with those responsible for the administration of Indian railways in order that whatever steps are possible may be taken to improve their net earnings.

This year has seen an important step forward in the development of the financial organisation of India. On the 1st of April last the Reserve Bank of India came into existence and assumed responsibility for the management of the currency and exchange, and for making the sterling remittances of the Government of India. The Gold Standard Reserve and the Paper Currency Reserve were on that date amalgamated and transferred to the control of the Bank. The Bank is at present continuing to issue Government of India currency notes in the form with which the public is familiar. In due course these will be replaced by the Bank's own notes. The Bank did not assume its full responsibilities as head of the credit organisation of India until the beginning of July when the scheduled banks were required to make their deposits. From that date the Reserve Bank became a central bank in the full meaning of the term and on 4th July declared its bank rate for the first time.

In March last the legislature approved of the proposal that out of last year's revenue surplus a sum of Rs. 113 lakhs should be distributed to the Provinces for the purpose of improving the conditions of life in the villages. This action, I am glad to say, has been universally welcomed throughout India. Rs. 15 lakhs of this grant were set apart for assisting the co-operative movement. The Local Governments were invited to make recommendations as to the most profitable use to which the balance could be put, and their proposals have been scrutinised by the Government of India before their approval was accorded. A statement has recently been laid on the table of this House which shows the objects to which the money is being devoted. The objects are various, since they are adjusted to the needs of the different parts of the country. Out of the total grant, over Rs. 25 lakhs will be spent on village water-supply and irrigation, nearly Rs. 19 lakhs on schemes for general improvement in the villages, Rs. 12 lakhs on the improvement of village roads, and Rs. 10 lakhs on sanitation and medical work. A sign of the times is that in certain Provinces money will be spent on arrangements for broadcasting instruction and entertainment in the villages. My hope is that this grant will prove the beginning of a steady advance throughout India in improving the conditions of life in the villages in which nine-tenths of the population live.

Since I last addressed you the Government of India Bill has received the Royal Assent and has become the Government of India Act, 1935. A great and difficult task has thus been completed by Parliament, after an expression, direct or indirect, of the views of all sections of the peoples of British India and prolonged consultation with the Princes of India. Here and in England views of every nature, extreme or moderate, advanced or conservative, have been expressed. We have all sought to obtain this provision or that in the Constitution and we have all sometimes succeeded and sometimes failed. It is

the business of men of practical wisdom now to forget the individual issues upon which opinion has differed and to consider the sum and substance of our total achievement. On such a consideration we must, I think, conclude that the gain to India is great.

I do not, therefore, on this occasion desire to invite your attention to any of the particular provisions of the Act, but I would ask you to consider two broad features of the new Constitution and desire to give you, if I may, one word of advice.

It is a matter of great satisfaction to me that during my Viceroyalty there has been made possible a consummation which many of the great rulers of India through the ages desired to see but did not see and which was hardly in sight when I myself took office over four years ago. I mean that the Act for the first time in the history of India consolidates the whole of India, State and British, for purposes of common concern under a single Government. India for the first time can become one great country.

The second broad feature, in contrast with the existing constitution, is that the Governments of India under the new Constitution will draw their authority by direct devolution from the Crown just as Dominion Governments do. They will cease to be agents and will stand forth as full political and juristic personalities exercising the functions of His Majesty.

The first feature to which I have referred is the consummation of age-long efforts, not only of the British Government but of all great Rulers in India from Asoka onwards. The second feature is the necessary preliminary and best augury for the full attainment by India of the political character which the most developed of His Majesty's dominions enjoy.

My experience of India now extends over two decades, and I have also had no inconsiderable experience of the theory and practice of political life in other parts of the British Empire. It is out of that long and full experience and out of the genuine sympathy which I have ever felt for India's political aspirations that I give you this word of sincere advice. Nothing is to be gained by working the Constitution in a spirit of mere destruction or by the abandonment of constitutional methods. The new Constitution contains within it great potentialities of development. Everything is to be gained by taking up the new proffered role of a consolidated India and a full political personality and by developing the Constitution till it, in due season, sheds those limitations and restrictions which have been designed for the period of its growth. The abandonment of constitutional methods has never led us anywhere in the past and will never lead us anywhere in the future.

It will not be my task to introduce the new Constitution, nor to join with you in its constitutional and I trust harmonious development. I shall hand over that task to one who comes equipped with great technical knowledge of our new Constitution, for he has himself been a builder in the construction of your policy, one who will I know bring to the service of the Crown here the fullest sympathy with your aspirations and ideals. I feel the greatest confidence that, when he comes to the stage which I have now reached in my life here as Viceroy he will look back on a period fraught with great good to the fortunes of India, enriched by the same kindness which you will assuredly accord to him as you have so generously accorded to me.

[H. E. the Viceroy.]

Your thoughts are no doubt occupied, as mine are, by forecasts of the steps by which and at which the new Constitution will be brought into operation. It is impossible for me at this stage to give any indication of precise dates. But, as you are no doubt aware, all branches of my Government and all the Provincial Governments in India are actively and industriously engaged on the problems which must be solved before the new Constitutions in provinces and at the Centre can be introduced. We shall spare no efforts which will enable us to introduce the new order of things at the earliest possible date.

In conformity with this intention, the Committee appointed by His Majesty's Government to report on the delimitation of constituencies and connected problems will assemble in Simla before the end of the present month, that is within two months of the date of the Royal Assent. We have secured as the Chairman of that Committee an electoral authority of great eminence in Sir Laurie Hammond, while with him will be associated two Indian members whose experience as High Court Judges ensures that judicial outlook and strict impartiality which are so essential. The problems which face the Committee are of great complexity, but I am confident that they will prove equal to the task.

In conclusion I wish to make an appeal, which is not new, but which is uppermost in my mind at the present time. No system of Parliamentary Government can be expected to work successfully and for the benefit of the people as a whole without the existence of a spirit of accommodation and a willingness on the part of all sections of the people to prefer the wider interests of the whole body-politic to the narrower interests of their own particular section. As I said not long ago in a speech at Allahabad, the shadow of communal strife is hanging at this time over India. It is a shadow of evil portent and a cause of constant anxiety not only to all Governments in India but to all thoughtful and responsible people. If India is to enter on her new Constitution in conditions favourable to its successful development, that shadow must be dispelled and I would appeal to all those who love this country and desire to see it well governed by its own people to show a spirit of tolerance and goodwill and to work for the creation of greater friendliness among all communities.

On Thursday last the Legislative Assembly to the regret of my Government and myself refused by a majority to take into consideration the Bill to give permanence to the Indian Press (Emergency Powers) Act, 1931, and to certain provisions of the Criminal Law Amendment Act, 1932. I had hoped that the Assembly would share with Government the responsibility for this measure. Their refusal to do so has transferred the responsibility to me and after taking time to consider all the implications of action or inaction on my part I have decided, in discharge of my responsibility for the safety, tranquillity and interests of British India, to give the Assembly an opportunity to reconsider their decision, and the Bill will be brought before that House again in a recommended form. The arguments for and against the Bill have already been discussed at great length on the floor of the Legislative Assembly, and I shall therefore state as briefly as possible my own reasons for considering the passage

of the Bill to be essential. We are on the eve of important changes in the constitution of India. Within the next two years the primary responsibility for the maintenance of peace and good government in the provinces will be transferred to ministries responsible to the legislatures. I consider it my imperative duty to use such powers as I possess to secure that that transfer takes place in the most favourable conditions possible to the stability and success of these new Governments. Dangerous subversive movements are still active in the country. Communal unrest as I have already said is unfortunately a more serious danger than for many years past. The experience of all Local Governments has been that the provisions of this Bill give them powers which are effective in keeping these movements in check and in preventing the publication of incitements to communal dissension. They are unanimous in considering the retention of these powers essential. I am myself satisfied that they are right and that I would be failing in my duty if I did not use my special powers to secure that these Governments have these powers during the remainder of the present constitution and that the new Governments shall also have them when they take over the reins of Government.

And now I leave you, Gentlemen, to continue your labours of this present session, and I do so with full confidence that you will continue to maintain the traditions and dignity which have always characterised the proceedings of both our Legislative Chambers.

COUNCIL OF STATE.

Tuesday, 17th September, 1935.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President (the Honourable Sir Maneckji Dadabhoy, K.C.I.E., Kt., Bar.-at-Law) in the Chair.

MEMBERS SWORN :

- The Honourable Mr. Tennant Sloan, C.I.E. (Home Secretary).
The Honourable Mr. Ram Chandra, C.I.E., M.B.E. (Government of India : Nominated Official).
The Honourable Sir Maurice Brayshay, Kt. (Chief Commissioner of Railways).
The Honourable Mr. P. Macqueen (Madras : Nominated Official).
The Honourable Mr. T. M. Dow (Bengal : Nominated Official).
The Honourable Khan Bahadur Shams-ud-Din Haidar, O.B.E. (Bihar and Orissa : Nominated Non-Official).
The Honourable Mr. R. H. Parker (Bombay Chamber of Commerce).
The Honourable Mr. G. R. Campbell (Bengal Chamber of Commerce).
The Honourable Khan Bahadur Shaikh Maqbul Husain, C.I.E. (United Provinces : Nominated Non-Official).
The Honourable Maharaja Jagadish Nath Ray of Dinajpur (Bengal : Nominated Non-Official).

QUESTIONS AND ANSWERS.

TANGI-TANGAIL-SINGJANI RAILWAY.

1. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
(i) Will Government be pleased to state how many memorials have been received by Government from the public since 1920 on the subject of the opening of the Tangi-Tangail-Singjani Railway ?

(ii) Is it a fact that in 1925, the Government of Bengal gave the said project as the first preference for railway construction in Bengal ?

(iii) Will Government be pleased to state whether any steps have yet been taken to open up the line ?

(iv) Will Government be pleased to state whether any surveying of the project was ever made and, if so, will they be pleased to lay a copy of such survey report on the table of the House ? If not, why not ?

(v) If no survey was ever made, will they be pleased to state the reasons?

(vi) Has the attention of Government been drawn to the article headed "Railways in the Tangail sub-division" published in *Advance*, dated the 24th March, 1935.

(vii) If so, will Government be pleased to state what action it has taken in regard to the said railway project?

(viii) Will Government be pleased to state the reasons for constructing a metalled road from the Road Fund instead of opening that part of the country by a railway project?

THE HONOURABLE SIR MAURICE BRAYSHAY: (i) Several representations have been received.

(ii) Yes.

(iii) Investigations have been made. Further action depends on the report of the Public Health Committee appointed by the Bengal Government last year.

(iv) A survey was made a long time ago but is probably out of date at present; but if my Honourable friend desires, I can lend him a copy of it.

(v) Does not arise.

(vi) Yes.

(vii) No action can be taken until the Government of India have received the views of the Bengal Government on the subject.

(viii) No metalled road has been constructed from the Central Road Fund on the alignment of the projected railway. If the Honourable Member refers to the Mymensingh-Tangail road, this does not appear to be an alternative to the Tangi-Tangail-Singjani Railway.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: When will the report from the Government of Bengal come to light?

THE HONOURABLE SIR MAURICE BRAYSHAY: I am afraid I cannot say. It will depend on the Government of Bengal.

SALE OF QUININE.

2. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state:

(a) The present position of the stocks of quinine?

(b) Whether the same have been reduced by sale to any foreign agency?

(c) Whether Provincial Governments have purchased larger quantities than hitherto: if so, to what extent? and

(d) Whether they were offered any special inducements to acquire larger quantities?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) and (b). A statement giving the information required is laid on the table.

(c) The answer to the first part is in the negative. The second part does not arise.

(d) In 1932, Local Governments were offered supplies of quinine, in addition to their normal annual requirements at a price lower than the cost of production so that they might be enabled to extend "quininisation" of the people at a smaller cost than would be incurred if these additional requirements were obtained at current prices. This scheme fell through mainly because Local Governments found themselves unable to buy the entire surplus stock with sufficient rapidity even at the reduced prices.

Statement giving the information required in parts (a) and (b) of question No. 2.

(a) The stock of quinine belonging to the Government of India on 30th June, 1935 amounted to 229,133 lbs. This includes the reserve of 150,000 lbs. which is maintained to meet national emergencies. Out of the surplus of 79,133 lbs. left after deducting this reserve, it has been decided to give away 45,000 lbs. free to Local Governments for distribution.

(b) About 10,000 lbs. of quinine were sold to the Government of Ceylon in December last in order to meet a severe epidemic of malaria there. About 5,000 lbs. have been sold to a firm of chemists in London.

IMPORTS OF QUININE.

3. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state what quantity of quinine in various shapes—powder, tablets, injections, etc.—was imported into India by traders during 1930-31 to 1933-34 and its value?

THE HONOURABLE MR. T. A. STEWART: The Honourable Member is referred to pages 93—95 of Volume I of the Annual Statement of the Sea-borne Trade of British India for the year ending 31st March, 1934, which contain all the information that is available. A copy of the Statement is in the Library of the Legislature.

PRODUCTION OF TOTAQUINA.

4. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Do Government propose to encourage the production of totaquina to provide the masses with a cheaper substitute for quinine?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Totaquina is already being manufactured at the Government factories in Madras and Bengal.

UNDESIRABILITY OF FREQUENT CHANGES IN THE NOMINATED PERSONNEL OF THE MEDICAL COUNCIL OF INDIA.

5. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Have Government considered the desirability of arranging that frequent changes in the nominated personnel of the Medical Council of India are reduced to a minimum in order to ensure continuity of policy, and the possibility of nominating such officials as are likely to serve on the Council for at least two years, if not longer?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government do not consider that any action in the direction suggested by the Honourable Member is necessary. So far as nominations by the Governor General in Council are concerned, there has been no change since the Council was constituted. As regards nominated members from provinces full discretion rests with Local

Governments and the changes that have occurred were unavoidable and were not such as could be considered to have affected continuity of the Council's policy.

THE HONOURABLE MR. P. N. SAPRU: What is the period of nomination in the case of a nominated member?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I should think it is a year, but I am not sure.

THE HONOURABLE MR. P. N. SAPRU: And the period of the Council?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I think it is four years.

KALKA-SIMLA SECTION, NORTH WESTERN RAILWAY.

6. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state whether any loss is incurred in the working of the Kalka-Simla section of the North Western Railway through competition with motor traffic? Have any steps been taken to consider this matter?

THE HONOURABLE SIR MAURICE BRAYSHAY: The reply to both parts of the question is in the affirmative. In order to meet this competition, passenger fares were reduced in 1927, 1928, 1929 and 1933. Although there was an increase in the number of passengers in each of these years the increase was not sufficient to counterbalance the loss consequent on the reduction in fares. Special rates for both parcels and goods traffic have also been introduced in order to prevent the diversion of traffic from the railway to the road.

THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that the mails are being carried by road motors and not by rail?

THE HONOURABLE SIR MAURICE BRAYSHAY: Some of the mails are carried by road and I believe some are carried by rail.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member state why the road motors have been preferred to rail?

THE HONOURABLE THE PRESIDENT: That is a matter of opinion.

THE HONOURABLE MR. HOSSAIN IMAM: I want to know whether they are cheaper or whether the Post Office prefer them?

THE HONOURABLE THE PRESIDENT: That is quite a different question.

THE HONOURABLE SIR MAURICE BRAYSHAY: If the Honourable Member would give me notice of that, I will give him the information.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: May I know the working results of the rail motor—whether it is working at a loss?

THE HONOURABLE SIR MAURICE BRAYSHAY: I am sorry I have not got the figures available with me now. If the Honourable Member desires, I will attempt to get them.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Yes, Sir.

THE HONOURABLE MR. P. N. SAPRU: Have Government considered the desirability of controlling the motor traffic by legislation?

THE HONOURABLE SIR MAURICE BRAYSHAY: I am sorry I cannot give a reply to that question.

SUBJECTS PRESCRIBED FOR PRIMARY EDUCATION.

7. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state what subjects of instruction to pupils are included in the term *primary education*, whether compulsory or optional? Is it intended that primary education should include provision for hand spinning, manual training, gymkhanas, scouting, music, libraries, manufacture of articles for domestic use, etc., etc. What age limit has been fixed for primary education for boys and girls?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Education is mainly the concern of Provincial Governments, and the Government of India regret that they have not got complete information about the subjects prescribed by them for primary education. The prescribed age limits under the various Primary Education Acts vary between 6 to 10 and 6 to 14.

WASTE OF PUBLIC FUNDS ON COMPULSORY PRIMARY EDUCATION.

8. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state whether it is a fact that there is considerable waste of public funds through the inability of the pupils attending compulsory primary education schools to go through the four requisite standards before they can be considered literate? Is it also a fact that only 18 per cent. of pupils go up to standard II, and about 3-4 per cent. to standards III and IV, and the rest relapse into illiteracy?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The matter being mainly a question for Provincial Governments, the Government of India do not possess anything like complete information. But an examination of the figures in one province indicates that in that province about 22 per cent. reach standard II, 10 per cent. reach standard III and 5 per cent. reach standard IV. The figures cannot, however, be taken as typical as such figures vary from area to area and province to province.

TRANSFER OF 100 BRITISH SERVICE OFFICERS TO THE INDIAN ARMY.

9. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state the reasons which led to the recruitment of 100 British officers to meet the shortage in the Indian Army of officers, who were recruited between the years 1921 and 1930?

(b) Were Indian officers not available by promotion?

(c) Is it a fact that this was done for the sake of providing better emoluments for the British officers?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Owing to over recruitment during the war, and under-recruitment in the years immediately succeeding it, it recently became necessary, in order to maintain the proper proportion of officers in the different ranks to eliminate from the Indian Army

a large number of senior officers, and to take on 100 less senior. It is for this latter reason that it was recently decided to revive the practice, which had been held in abeyance for a few years, of allowing transfers from the British Service, and invite applications from officers of the required seniority.

(b) No. Accelerated promotion of junior Indian officers, even if it were desirable, would not achieve the desired object of adjusting the number of officers commissioned in the various years to the proper proportions.

(c) Certainly not. It was done in the interests of the Indian Army.

DIVISIONAL SUPERINTENDENT, MORADABAD, EAST INDIAN RAILWAY.

10. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Is it a fact that the Divisional Superintendent, East Indian Railway at Moradabad invited applications for posts of ticket collectors from Europeans, Anglo-Indians and Indian Christians only?

(b) If the answer to part (a) is in the affirmative, why were Hindus, Muhammadans, Sikhs and Parsis excluded?

(c) Do Government propose to issue orders that no sectarian differentiation should be made in inviting applications or making appointments in the railway departments?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) The reply is in the affirmative. The Agent, East Indian Railway, has however since reported that Indian Christians were included in the advertisement through a misapprehension.

(b) As the vacancies were reserved for members of the Anglo-Indian and Domiciled European community, it was not necessary to invite applications from other communities.

(c) No. I would invite the Honourable Member's attention to the orders regarding the representation of Muslims and other minority communities in Government service, copies of which are in the Library of the House.

THE HONOURABLE MR. HOSSAIN IMAM: Was any rule passed about the railways specifically as to what the proportion will be, division by division, of recruitment for each community?

THE HONOURABLE SIR MAURICE BRAYSHAY: Orders specifically for each division were not given by the Government of India, but such arrangements would of course have to be made by the individual railways.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member have the copies of such orders placed in the Library of the House?

THE HONOURABLE SIR MAURICE BRAYSHAY: Is not that covered by the last part of my answer?

THE HONOURABLE MR. HOSSAIN IMAM: That is a general statement. We want division by division the orders of the railways concerned for each division to be placed in the Library of the House.

THE HONOURABLE SIR MAURICE BRAYSHAY: I will look into that.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if any definite proportion is fixed for Anglo-Indians and Christians in the Railway Department?

THE HONOURABLE SIR MAURICE BRAYSHAY: For Anglo-Indians there is a reservation. For other minority communities there is a general reservation to redress inequalities.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know what that proportion is?

THE HONOURABLE SIR MAURICE BRAYSHAY: The proportion for Anglo-Indians varies with the different railways. For railways as a whole I think it is 8 per cent. For minority communities there is a general provision which I think is 8½ per cent., but that is a general provision and not specific for each railway.

THE HONOURABLE MR. P. N. SAPRU: What is the total population of the Anglo-Indian community in India?

THE HONOURABLE THE PRESIDENT: That does not arise out of this question.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if these vacancies occurred among the Anglo-Indians and therefore notice was given for them only?

THE HONOURABLE THE PRESIDENT: Your question is not very intelligible. Will you please put it in proper order?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if these vacancies occurred among Anglo-Indians on account of which the Department wished to recruit only Anglo-Indians and not other sections or communities?

THE HONOURABLE SIR MAURICE BRAYSHAY: The recruitment in question was to fill vacancies in accordance with the regulations laid down by Government.

ZANZIBAR DECREES.

11. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government make a statement on the final settlement reached with reference to the Decrees passed by the Zanzibar Government?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. Meanwhile, I have the authority of the Secretary of State for the Colonies for announcing that if any specific cases of hardship alleged to have resulted from the operation of the Cloves Decrees are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and if necessary, brought to the notice of the Secretary of State for the Colonies.

APPLICATION FROM THE MUNICIPAL COMMISSIONER, BOMBAY, TO PURCHASE QUININE FROM THE SURPLUS STOCK OF THE GOVERNMENT OF INDIA.

12. THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Will Government be pleased to state:

(a) Whether they have received an application from the Municipal Commissioner of the City of Bombay to purchase quinine from the surplus stock of

the Government of India for the use of hospitals and dispensaries maintained by the Municipal Corporation of Bombay?

(b) Whether it is a fact that the Municipal Commissioner has been unable to find out the department or officer concerned with the disposal of quinine in spite of his correspondence with the Officer in charge, Medical Stores, Bombay, the Surgeon General with the Government of Bombay, the Director General, Indian Medical Service, Director, Botanical Survey of India, Superintendent, Penitentiary Jail and Superintendent of Prisons, Madras?

(c) What steps are Government taking to afford facilities to local bodies to acquire quinine from the surplus stock at rates cheaper than Rs. 18 per lb.?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) No.

(b) Government are informed that enquiries were made by the Municipal Commissioner, City of Bombay. Through some misunderstanding he was referred to the Government of Madras who ordinarily supply the requirements of the Government of Bombay and local bodies in the presidency. Government are now taking steps to ascertain the requirements of the Municipal Commissioner and, on receipt of the information, will consider whether these can be met from their surplus stock.

(c) As the Honourable Member is probably aware, local bodies to the extent that they draw their requirements from Government sources of supply, do so from the Government to whose area of distribution they belong. A statement showing the areas of distribution is laid on the table. The Government of India cannot give a general undertaking to sell quinine from their surplus stock to all local bodies but specific proposals for bulk supplies over and above their average requirements will be considered on their merits.

Areas allotted to the Government of India, Government of Bengal and the Government of Madras, respectively, for the distribution of quinine.

(a) *Government of India.*—Punjab, with its States, the United Provinces, Rajputana North-West Frontier Province, Baluchistan, Delhi and the State of Gwalior.

(b) *Government of Bengal.*—Bengal, Bihar and Orissa, Assam and the Indian States within their limits.

(c) *Government of Madras.*—The rest of India, including Indian States.

IMPORTS OF FENTS FROM JAPAN.

13. THE HONOURABLE MR. V. V. KALIKAR: Will the Government be pleased to state:

(a) Whether they have received a letter from Mr. J. K. Mehta, the Secretary of the Indian Merchants' Chamber regarding the import of artificial silk fents from Japan into India?

(b) Whether it is a fact that there has been an enormous increase in the import of Japanese artificial silk fents during the last three years?

(c) Whether it is a fact that the import of fents into British India from Japan amounted only to 30,000 yards in 1930 while the imports in 1934 and 1935 have gone up to 2,50,00,000 and 1,75,00,000 yards?

(d) Whether it is a fact that the bulk of the goods imported from Japan under the designation of fents are really artificial silk goods and artificial silk mixtures?

(e) Do Government propose to take immediate steps to check the import of these so-called fents and to lay down restrictions so that no attempts may be made to dump fents into India? If not, why not?

THE HONOURABLE MR. T. A. STEWART: (a) Yes.

(b) No separate figures of imports of artificial silk fents are maintained and no estimate of the extent of the increase is possible.

(c) The figures given by the Honourable Member do not agree with those recorded in the Sea-borne Trade Accounts. A statement showing the imports from Japan as recorded therein is laid on the table.

(d) No. The bulk of the fents imported from Japan consist of cotton fents. As for the rest there is no reason to believe that they are for the main part artificial silk piecegoods rather than genuine fents.

(e) The question of the tariff treatment of fents is under consideration.

Statement showing the imports of fents of all descriptions from Japan into British India.

Imports during calendar years—

1930	..	..	..	..	..	*Not recorded separately in calendar year accounts.
						Yards.
1931	..	..	..	..	..	90,478
1932	..	..	..	..	..	332,888
1933	..	..	..	..	..	7,411,300
1934	..	..	..	..	..	25,630,214
1935 (seven months January to July)	..	..	..	..	..	23,773,350

* The imports during the fiscal year 1930-31 from Japan were 21,948 yards.

OFFENCES AGAINST WOMEN AND STEPS TAKEN TO COUNTERACT THEM.

14. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Has the attention of Government been drawn to the article headed "Crime against Women", "Growing menace" published in the *Anrita Bazar Patrika*, dated the 9th July, 1935?

(b) Will Government be pleased to state what steps, if any, they propose to take to counteract the spread of these outrages on women?

(c) Do Government propose to amend the law in such a way as to provide some corporal punishment such as public whipping as a deterrent punishment for the prevention of such forcible outrages on women?

THE HONOURABLE MR. T. SLOAN: (a) Yes.

(b) and (c). Government consider that the existing law is suitable for India as a whole. Where local conditions are exceptional, it is open to the Local Legislatures to modify the law as has been done in Burma.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Under the existing law how many cases have been prosecuted and in how many was punishment given?

THE HONOURABLE MR. T. SLOAN: I shall require notice of that question. It applies to all cases of offences against women throughout India.

RESCUE HOMES IN DELHI.

15. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Has the attention of Government been drawn to the article headed "Scandal of Rescue Homes", "Girls trapped and sold", "Sensational allegations in a letter to the Deputy Commissioner, Delhi", published in the *Amrita Bazar Patrika*, dated the 9th July, 1935?

(b) If so, will Government be pleased to state whether a committee of officials and members of the Central Legislature will be appointed to investigate into the working of every one of these rescue homes including "Seva Sadan" of Delhi? If not, why not?

THE HONOURABLE MR. T. SLOAN: (a) I have seen the article in question.

(b) If definite complaints against individual institutions—not vague allegations such as are contained in the article referred to by the Honourable Member—are made to the Deputy Commissioner or the Superintendent of Police these will be investigated. Government do not think that on the information available there is a case for the appointment of a Committee. We are asking the Chief Commissioner for a full report on these so-called Homes.

Anti-INDIAN FILMS.

16. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Has the attention of Government been drawn to the editorial headed "Anti-Indian films" published in the *Amrita Bazar Patrika*, dated the 7th July, 1935, page 8?

(b) If so, will Government be pleased to state what action they propose to take to exercise a strict control and vigilance over the exhibition of such films in foreign countries?

(c) Is it a fact that there are no consuls or ambassadors of the Government of India in foreign countries?

(d) Is it a fact that British ambassadors in foreign countries are expected to represent the Government of India as well as His Majesty's Government? If so, will Government be pleased to state why the British ambassadors never protested against the exhibition of such anti-Indian films in foreign countries?

(e) Will Government be pleased to state whether the Government of India represented to His Majesty's Government the strong public feeling in India against the exhibition of anti-Indian films in foreign countries and do they propose to place on the table of this House all the correspondence that passed between the Government of India and His Majesty's Government, if any, on this subject? If not, why not?

THE HONOURABLE MR. T. SLOAN: (a), (b) and (e). As stated by the Honourable Sir Henry Craik in the Legislative Assembly on the 27th March last in reply to questions in that House, the Government of India addressed the Secretary of State in this matter, pointing out that censorship in India is conducted so as to exclude from exhibition films which are calculated to wound

the susceptibilities of any foreign nation and that for that reason the Government of India were of opinion that India should be accorded reciprocal treatment in this matter whenever necessary. We have since heard from the Secretary of State that there is no official censorship on films in America, but there is an unofficial arrangement whereby producing companies in Hollywood do in their own interests make a practice of seeking advice on the suitability for Empire audiences of films which they propose to produce. This is in the interests of the companies themselves because the Empire market is a very valuable one. It is most unfortunate that this arrangement did not prevent the production of the offensive parts of the two films mentioned by the Honourable Member. But the Government of India have been informed that the producers of the film "India Speaks" have taken to heart the adverse reception of that film both in America and elsewhere and its ban by the British Board of Censors, whose lead is usually followed by censors in other parts of the Empire, and will be reluctant to allow any similar films to be released in future. As it was believed that the film was no longer being exhibited, and as there is no official censorship in America, His Majesty's Government felt that no useful purpose would be served by making representations to the Government of the United States of America.

The film "Bengali" is reputed to be the same as the film "The Lives of a Bengal Lancer" which has been exhibited in many places in India without objection. Certain portions of the film were excised by the Madras and Bombay Boards of Censors and as a result of representations made by His Majesty's Government the publishers of the film agreed to excise some portions from the copies of the film issued for exhibition in England. The copy shown in Vienna to which references were made in the Indian Press seems to have been an original copy and by the time that the representation made by His Majesty's Government reached His Majesty's Ambassador in Austria the film was at the end of its run in Vienna and the Ambassador thought that it would then be neither advisable nor appropriate to make any representation to the Austrian Government.

I should like to assure the House that the Government of India share the resentment of Honourable Members against the exhibition of films picturing India in an unfavourable light. They hope that the arrangement at Hollywood will in future prevent the production of such films at that place and they will take such steps as are possible to stop the exhibition of any such films both in India and elsewhere whenever they come to notice.

(c) Yes.

(d) The answer to the first part is in the affirmative. The reply I have given to parts (a), (b) and (e) explains the position as regards the second part.

CONCESSIONS GRANTED FOR THE MANUFACTURE OF SODA-ASH.

17. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(a) Is it a fact that special concessions have been allowed to a British concern at Khewra for the manufacture of soda-ash required for glass manufacture in India?

(b) If so, will Government be pleased to enumerate all the concessions granted to the British concern?

(c) Will Government be pleased to state whether any Indian concern also applied for such concessions for the manufacture of soda-ash?

(d) Do Government propose to grant the same concessions to any Indian concern if such a concern desires to manufacture soda-ash at Sambhar? If not, why not?

THE HONOURABLE MR. P. C. TALLENTS: (a) Certain concessions for the establishment of an alkali factory near Khewra have been given to the Imperial Chemical Industries (India), Ltd., a company incorporated in British India with headquarters at Calcutta. It is believed that if the concern takes advantage of these concessions it will make soda-ash for glass manufacture.

(b) So far as the Government of India are concerned, the concessions relate to the use of waste salt, salty material, marl and brine at Khewra and in a neighbouring area. The concessions granted by the Punjab Government cover the right to quarry limestone in an area near Khewra and the right to use water from the Jhelum River.

(c) No.

(d) The question is a hypothetical one and I am not in a position to answer it.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member state when this company is likely to start manufacture of soda-ash?

THE HONOURABLE MR. P. C. TALLENTS: Government have no information on that point.

THE HONOURABLE MR. HOSSAIN IMAM: Will Government expedite, because it is one of the reasons why no protection is given to the glass industry?

THE HONOURABLE MR. SHANTIDAS ASKURAN: Is there Indian capital in this company?

THE HONOURABLE MR. P. C. TALLENTS: No, the Imperial Chemical Industries (India), Ltd., is a private company; but they have given an undertaking to Government that, if they do start factories and so on, to exploit this concession, the capital will be rupee capital and that the usual undertakings will be given.

THE HONOURABLE MR. SHANTIDAS ASKURAN: Will the capital be offered to the public in India, or a part of it?

THE HONOURABLE MR. P. C. TALLENTS: Yes.

THE HONOURABLE MR. HOSSAIN IMAM: May I know if there is any time-limit for the company to start working the concession?

THE HONOURABLE MR. P. C. TALLENTS: Not so far as I am aware.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Government consider the desirability of introducing a clause of this nature?

THE HONOURABLE MR. P. C. TALLENTS: They will no doubt consider it.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: May I know the period of concession given to the company?

THE HONOURABLE MR. P. C. TALLENTS: The concession of the Punjab Government is for 50 years and that of the Government of India is for the same period, 50 years.

THE HONOURABLE MR. HOSSAIN IMAM: What is the amount of royalty paid to Government?

THE HONOURABLE MR. P. C. TALLENTS: There are various provisions. The company is to pay the Secretary of State eight annas a ton on sodium chloride in all salt and salty material, and so on.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Will Government be pleased to lay the copy of the agreement relating to the concessions on the table?

THE HONOURABLE MR. P. C. TALLENTS: No. I think that is not the usual practice and I am not prepared to do so.

THE HONOURABLE MR. P. N. SAPRU: Is there any Indian on the directorate?

THE HONOURABLE MR. P. C. TALLENTS: Not so far as I know. The present company is a private company.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: It would be giving a monopoly to give away the natural resources of our country.

THE HONOURABLE THE PRESIDENT: That is an argument and I will not allow it.

GRIEVANCES OF THIRD CLASS PASSENGERS, GREAT INDIAN PENINSULA RAILWAY.

18. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (i) Is it a fact that most of the carriages used on the Bombay suburban service of the Great Indian Peninsula Railway leak during the monsoon?

(ii) Do Government propose to issue instructions to the Great Indian Peninsula Railway Administration to arrange to have the roofs of all their third class carriages on their suburban service thoroughly repaired and tested before every monsoon to avoid the leakage?

(iii) Do Government propose to appoint an officer to attend to the grievances of the third class passengers of the Great Indian Peninsula Railway?

THE HONOURABLE SIR MAURICE BRAYSHAY: (i) Government are not aware that the facts are as stated.

(ii) A copy of this question and its answer will be sent to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

(iii) No, Sir. Government do not consider this necessary.

PROVIDENT FUND OF CURRENCY STAFF.

19. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (i) Will Government be pleased to state the reasons for not improving the conditions of the Provident Fund of the Currency staff in India?

(ii) Had those defects been removed before the Currency staff was transferred to the Reserve Bank? If not, why not?

THE HONOURABLE MR. P. C. TALLENTS: (i) and (ii). I would refer the Honourable Member to the information laid on the table of the Legislative Assembly on 12th of December, 1933 in reply to question No. 1090 asked by Mr. Lalchand Navalrai. The position regarding the Provident Fund of the Currency staff in India remained unchanged from that date until the transfer of the staff to the Reserve Bank for the reasons given in that reply.

GOVERNMENT QUARTERS, SUMMER HILL.

20. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (i) Is it a fact that most of the European and Anglo-Indian military clerks are giving up their quarters in Summer Hill?

(ii) Is it a fact that many of the military clerks employed in Army Headquarters are entitled to house-rent under Army Regulations?

(iii) Will Government be pleased to state the number of military European and Anglo-Indian clerks who were occupying Summer Hill quarters in 1934 and 1935 but who are giving up such quarters for 1936?

(iv) Will Government be pleased to state the total amount of house-rent that Government will have to pay to those clerks in 1936 which would have been saved if such clerks remained in Government quarters?

(v) Is it a fact that these quarters which are being vacated by military clerks are being allotted to junior men of Army Headquarters and other attached offices and that as a result Government will derive a rent which will not meet the cost of annual repairs to the buildings? If so, what are the reasons which prompted Government to frame allotment rules in such a way as to put an embargo on all the senior European and Anglo-Indian military clerks of Army Headquarters as well as the senior unorthodox staff of the Secretariat?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (i) No, Sir.

(ii) Only those military clerks serving at Army Headquarters who are in receipt of military rates of pay are entitled to be housed free by the State, and receive compensation in lieu of quarters and then only, provided that

(a) Government quarters are not available, or

(b) if available, the clerks concerned have been granted permission in the interests of the office to live in Simla close to their work.

(iii) A statement is laid on the table.

(iv) Rs. 99 per mensem.

(v) The rule provides for those quarters to be allotted according to juniority and Government do not propose to alter this long established principle.

Statement giving the information required in part (iii) of question No. 20.

Military European clerks.			Anglo-Indian clerks.		
No. in occupation of Summer Hill quarters in		No. of those who are giving up such quarters in 1936.	No. in occupation of Summer Hill quarters in		No. of those who are giving up such quarters in 1936.
1934.	1935.		1934.	1935.	
13	10	3	15	15	Nil.

CONSTRUCTION OF THE DACCA-ARICHA RAILWAY.

21. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

(i) Will Government be pleased to state whether there was a survey made for the construction of the Dacca-Aricha Railway? Is it a fact that several promises were made in the past for the construction of this railway as soon as finances were available for new construction?

(ii) Is it a fact that several new lines all over India have been constructed the question of whose survey was taken up long after the question of the Dacca-Aricha Railway was taken up?

(iii) Is it a fact that the construction of the Dacca-Aricha Railway is being postponed because several inland navigation companies owned by British capitalists are against the said construction, on the ground that the earnings from steamer services run by such companies in that part of Bengal will be adversely affected? Has Government received any representation from the residents of Dacca urging on Government to expedite the construction of the said line? If so, do Government propose to construct the line and provide money for its construction in the next year's budget? If not, why not?

THE HONOURABLE SIR MAURICE BRAYSHAY: (i) Yes. The decision not to proceed with the construction is based on the views of the Bengal Government.

(ii) Yes.

(iii) No, the Bengal Government object to this construction. Government are not aware of any representation from the residents of Dacca. Government do not propose to construct the line, as the Government of Bengal consider the construction of this line to be undesirable, on grounds of the menace to public health.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it the desire of the Government to have the construction of a metalled road from the Road Board Fund?

THE HONOURABLE SIR MAURICE BRAYSHAY: That would be a matter for the Bengal Government.

THIRD CLASS COMPARTMENTS.

22. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : (a) Has it been represented to Government that the present day designs of big III class compartments with accommodation for 20 to 60 passengers with one small latrine causes great hardships to III class passengers using such compartments? If not, do Government propose to enquire into this matter from the different Railway Administrations? If not, why not?

(b) Has it been represented to Government that such big III class compartments are more liable to over-crowding than smaller compartments? If not, do they propose to enquire into this matter from the different Railway Administrations? If not, why not?

THE HONOURABLE SIR MAURICE BRAYSHAY : (a) The present standard design of the third class carriage contains four compartments. The minimum seating accommodation of any one compartment being 12 with one latrine and the maximum 52 with two latrines. Government are not aware that it causes great hardship but understand that there is a desire for a carriage having a larger number of small compartments, and are taking action in the matter in consultation with the different Railway Administrations and the Central Advisory Council for Railways.

(b) Government are informed that small compartments are just as liable to overcrowding as large compartments.

PROVISION OF FANS IN THIRD AND INTER CLASS COMPARTMENTS.

23. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : Will Government be pleased to state whether they have taken any steps for the provision of fans to III class and inter class compartments? If not, why not?

THE HONOURABLE SIR MAURICE BRAYSHAY : The capital required to provide fans in third class compartments of Class I Railways is roughly estimated to be about Rs. 1½ to 2 crores, and the recurring expenditure about Rs. 30 lakhs per annum. Government regret that they are unable to provide any money for this purpose in the immediate future.

Information is being collected regarding the probable cost of fitting fans in inter class compartments. When the information is in their possession Government will come to a decision in the matter.

NEW DESIGN OF THIRD CLASS CARRIAGES.

24. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : (a) Has the attention of Government been drawn to the paragraph in the *Amrita Bazar Patrika*, dated the 16th May, 1935, on the subject of the new design of III class carriages with 6 different compartments for 16 passengers in each compartment? Are the statements in the paragraph correct, and, if so, will Government be pleased to state when will such smaller III class compartments with lying accommodation be put on the lines?

(b) Will Government be pleased to state whether such designs of III class carriages will be put on all the State railway lines and Company managed lines?

THE HONOURABLE SIR MAURICE BRAYSHAY : (a) Yes. The description given therein of the proposed new carriage is substantially correct. A

sample coach will be available for inspection by the members of the Central Advisory Council for Railways at Delhi in November next. If final agreement to the new design is then reached, the first carriage built to such design will appear in 1936.

(b) Carriages to the new design will be adopted as a future standard for all State-managed railways, and company-managed railways will be requested to adopt this standard design.

ACCIDENT AT RAILWAY STATION, BARRACKPORE, EASTERN BENGAL RAILWAY.

25. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : (a) Is it a fact that in May last there was a railway accident on the Eastern Bengal Railway at Barrackpore station? If so, will Government be pleased to state the number of killed and injured in that accident?

(b) Is it a fact that a guard and a III class passenger were injured? If so, will Government be pleased to state whether any compensation will be paid to the injured guard, if the accident was not due to his fault and will any compensation be paid to the injured passenger? If not, why not?

(c) Has any enquiry been held, and, if so, will Government be pleased to State the findings of such enquiry?

THE HONOURABLE SIR MAURICE BRAYSHAY : (a) and (b). Yes. A mixed train ran into the rear of a goods train outside signals at Barrackpore station on the 15th May, 1935. One passenger received slight injuries and the guard of the goods train, who was seriously injured, died ten days later.

The Agent, Eastern Bengal Railway, states that a sum of Rs. 3,500 due under the Workmen's Compensation Act was deposited in July, 1935 with the Commissioner, Workmen's Compensation, Bengal, for payment to the dependents of the deceased guard, and that no compensation is payable to the passenger as he was travelling on an expired date ticket.

(c) Yes, by the Government Inspector of Railways who attributes the accident to the driver of the mixed train not observing the indication of the advance starting signal at Ichhapur and going past it while it was at danger.

THE HONOURABLE MR. P. N. SAPRU : Has any action been taken against that driver?

THE HONOURABLE SIR MAURICE BRAYSHAY : Departmental action would in the ordinary course be taken.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Could the accident have been due to the bad interlocking system on the railway?

THE HONOURABLE SIR MAURICE BRAYSHAY : No, Sir, it is due to the driver passing a danger signal.

ACCIDENT AT GOODS YARD, SERAJGANJ, EASTERN BENGAL RAILWAY.

26. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : (a) Is it a fact that in May last there was a railway accident in the Serajganj goods yard on the Eastern Bengal Railway? If so, will Government be pleased to state the number of killed and injured?

M50CS

(b) Is it a fact that as a result of that accident one pointsman was crushed to death and two other employees severely injured?

(c) If so, will Government be pleased to state whether any pension has been arranged for the widow and the family of the deceased pointsman, if the accident was not due to his negligence?

(d) Will Government be pleased to state whether any compensation is being granted to the other two injured? If not, why not?

(e) Has any enquiry been held, and, if so, will Government be pleased to state the findings of such enquiry? If not, why not?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) and (b). There was an accident at Serajganj station in which a shunting porter was killed and a pointsman severely injured.

(c) and (d). No pension is due under the rules, but a sum of Rs. 900 has been paid as compensation to the widow of the shunting porter under the Workmen's Compensation Act. She is also entitled to a gratuity of Rs. 150 under the Gratuity Rules. The Agent, Eastern Bengal Railway, states that the pointsman who was injured is still on leave and his case is under observation, and it is not possible to say at present whether he is due any compensation.

(e) Yes. The officer holding the enquiry held that the shunting porter was killed due to his own neglect of duty. It is the duty of shunting porters to pin down brakes of vehicles detached but the deceased failed to do so. The gunner who was supervising the shunting was also held partially responsible for not satisfying himself that the brakes of the vehicle detached had been pinned down.

DEATH OF A RAILWAY PASSENGER THROUGH FALLING OFF A MOVING TRAIN.

27. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: (a) Has the attention of Government been drawn to a paragraph in the *Anurita Bazar Patrika*, dated the 19th May, 1935, regarding the "Tragic fate of a railway passenger" who made a dying declaration that he received the injury as the result of a ticket checker pushing him out of a running train for his travelling without a ticket?

(b) Will Government be pleased to state whether any police or departmental investigation has been made into this allegation?

(c) If so, will they be pleased to state the findings of such enquiry?

(d) Have the authorities been able to find out the culprit responsible for the crime resulting in the death of a passenger? If not, why not?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) and (b). Yes.

(c) and (d). The finding was to the effect that the deceased himself was to blame for the accident. It appears that he was travelling without a ticket and got down at Jagati station to drink water and when the train started, attempted to get into the train but slipped and fell. The ticket checker, who it was alleged had pushed him out, could not have done so as he was travelling in another compartment.

RAIL MOTOR FARES BETWEEN SUMMER HILL AND SIMLA, NORTH WESTERN RAILWAY.

28. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: (a) Is it a fact that in 1933 rail motor tickets between Summer Hill and Simla were sold for nine annas for each trip and Rs. 13-8-0 for monthly tickets? Since when has the price of these tickets been doubled?

(b) Is it a fact that a large number of such tickets used to be sold before the fares were raised and that since the fares have been raised there has been a large decline in railway earning from 1st class passengers?

(c) Will Government be pleased to state the amount, the railway derived annually during the years 1930—1934 from the sale of 1st class tickets ordinary and suburban between Summer Hill and Simla and *vice versa* before the fares were raised and the amount derived since the fares have been raised?

(d) Will Government be pleased to state the reasons why a rail motor cannot be run between Simla and Summer Hill and *vice versa* if a guaranteed full number of monthly fares according to the seating capacity of such motors is forthcoming?

(e) Will Government be pleased to state whether any such guarantee was ever furnished by the Summer Hill residents to the railway authorities, and, if so, will Government be pleased to state the reasons why such rail motor was refused?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) Prior to 1st March, 1933, the cost of a single journey first class ticket from Summer Hill to Simla was 14 annas and of a first class monthly season ticket Rs. 21. As an experimental measure, passenger fares were reduced over the Kalka-Simla section from 1st March, 1933, and the cost of a single journey ticket between Summer Hill and Simla was consequently reduced to nine annas and of a first class monthly season ticket to Rs. 13-8-0. The experiment did not, however, prove successful, and from 1st March, 1934, the fares previously in force were reverted to.

(b) Yes, but the earnings from passenger traffic over the entire Kalka-Simla section have increased.

(c) The total earnings from the sale of first class tickets, both ordinary and season, between Simla and Summer Hill was Rs. 485-1-0 in 1933 and Rs. 115-11-0 in 1934. Figures for the years prior to 1933 are not available.

(d) There are not sufficient rail motors to run a regular service between Simla and Summer Hill but the present timings of the rail motors running between Kalka and Simla are considered suitable and accommodation is almost invariably available in these rail motors for passengers travelling from Summer Hill to Simla and *vice versa*. The Administration would be prepared to consider allotting a rail motor to run between Simla and Summer Hill if a sufficient number of first class season tickets for the whole summer season were guaranteed.

(e) The Agent, North Western Railway, states that a proposal was received from certain residents of Summer Hill employed in civil secretariat offices, suggesting a rail motor being run for a guaranteed number of second class

season ticket holders between Summer Hill and Simla, both in the morning and in the evening. The proposal was examined and was not found to be remunerative.

POSSIBILITIES OF IMPROVING RAILWAY EARNINGS BETWEEN SIMLA AND SUMMER HILL, NORTH WESTERN RAILWAY.

29. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: (a) Is the North Western Railway a State railway and is it run on commercial lines? If so, why are steps not taken and devices adopted by which the railway earnings between Summer Hill and Simla can be considerably increased?

(b) Is it a fact that since the Summer Hill quarters have been allotted to unorthodox Indians the railway earnings from Summer Hill station are showing an increase both in passenger traffic and goods traffic?

(c) Will Government be pleased to state the total earnings from Summer Hill station during each of the years 1930 to 1935?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) Yes. The Agent, North Western Railway, states that the possibilities of improving the earnings between Simla and Summer Hill stations have not been overlooked. If my Honourable friend has any suggestions to offer, I shall be very pleased to communicate them to the Administration for consideration.

(b) and (c). The total earnings of Summer Hill station in 1933 were Rs. 74,687-6-0, in 1934 Rs. 92,145-6-0 and from January to August, 1935 Rs. 55,893-6-0.

Figures for the period prior to 1933 are not available.

BALANCES HELD IN THE GOLD STANDARD RESERVE AND PAPER CURRENCY RESERVE ON 31ST MARCH, 1935.

30. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly state the following facts:

(a) The assets of the Gold Standard Reserve and Paper Currency Reserve on 31st March, 1935?

(b) The amounts transferred from each to the Reserve Bank on 1st April, 1935?

(c) The way in which the residue, if any, was disposed off?

(d) As a result of formation of the Reserve Bank was there an increase or decrease of the permanent debts of India, between 31st March, 1935 and 1st April, 1935?

THE HONOURABLE MR. P. C. TALLENTS: (a), (b), (c) and (d). The balances held in the Gold Standard Reserve and the Paper Currency Reserve on the 31st March, 1935 were published in the Gazette of India, Part II, dated 13th April, 1935. These balances were transferred to the Reserve Bank with the exception of about 40 crores of silver coin and bullion which have been retained by the Government of India and 10 crores of sterling securities which have been set aside in the Silver Redemption Reserve Fund. As a result of the formation of the Reserve Bank there has neither been an increase nor a decrease in the permanent debt of the Government of India.

STOCK OF RUPEE COIN AND BULLION HELD BY GOVERNMENT ON 31ST AUGUST, 1935.

31. THE HONOURABLE MR. HOSSAIN IMAM: What was the stock of rupee coin and bullion held by the Government of India on 31st August, 1935?

THE HONOURABLE MR. P. C. TALLENTS: Information regarding the stock of rupee coin and bullion held by the Government of India at the beginning and end of each financial year will be given in the Finance and Revenue Accounts. The figure for 1st April last is Rs. 40,38,00,000. It is not in the public interest to supply information regarding the stock at more frequent intervals.

FORM IN WHICH THE PAYMENT OF RS. 5 CRORES FOR THE RESERVE FUND WAS MADE TO THE RESERVE BANK.

32. THE HONOURABLE MR. HOSSAIN IMAM: How did Government pay the Rs. 5 crores for the Reserve Fund to the Reserve Bank? Was it in *ad hoc*s? If so, at what rate of interest?

THE HONOURABLE MR. P. C. TALLENTS: The contribution of the Governor General in Council under section 46 of the Reserve Bank of India Act to the Reserve Fund of the Bank was made in the form of regular rupee securities and not *ad hoc*s.

FUNCTIONS OF THE CONTROLLER OF THE CURRENCY AND HIS STAFF AT PRESENT AND BEFORE 31ST MARCH, 1935.

33. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly state fully the functions at present and before 31st March, 1935, of the Controller of the Currency and his staff?

THE HONOURABLE MR. P. C. TALLENTS: The functions which remain with the Controller of the Currency are as follows:

- (1) Ways and means budget and the monthly compilation of the Civil Accounts and the other statements connected therewith.
- (2) Administration of the Mints and scrutiny of small coin requirements.
- (3) Disposal of references from the Reserve Bank on the administration of the Public Debt.
- (4) Administration of Trustee securities (including the work previously done by the Deputy Controllers of the Currency).

The Controller of the Currency has been nominated to represent Government at the meetings of Central Boards of the Reserve Bank and the Imperial Bank.

The functions which the Controller of the Currency used to perform but which have been transferred to the Reserve Bank from the 1st April, 1935 are as follows:

- (i) Public Debt administration including examination of endorsements on Government Paper.
- (ii) Administration of the former Currency Department.
- (iii) Tenders for treasury bills and sterling.

- (iv) Estimates of small coin requirements and the distribution of available balances.
- (v) Local Resources work formerly carried out by the Deputy Controllers of the Currency.
- (vi) Administration of the Mysore Loans.

APPLICATION OF THE LAW FOR THE FIXATION OF THE MINIMUM PRICE OF SUGAR-CANE.

34. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Will Government be pleased to state the names of areas, in different provinces, in which the law for the fixation of minimum price for sugar cane has been enforced and indicate the effects of the same both on the consumers and the producers of sugar-cane?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Minimum prices for cane on a sliding scale varying with the average price of Indian factory sugar have been fixed in the whole of the United Provinces and in the North Bihar districts of Bihar and Orissa. The minimum price for cane throughout 1934-35 was practically stationary at five annas per maund in both provinces.

The Government of India have not yet received any reports on the working of the Sugar cane Act but so far as their information goes the prices fixed have been found fair to both sugar-cane growers and sugar manufacturers.

APPLICATION OF THE LAW FOR THE FIXATION OF THE MINIMUM PRICE OF SUGAR-CANE.

35. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: (a) Will Government be pleased to state the basis on which the selection of areas for the application of the law for the fixation of minimum price of sugar has been made in different provinces?

(b) Is it a fact that the Bihar Government has applied the law to North Bihar districts only? If so, why?

(c) Will Government be pleased to enquire from the Government of Bihar and Orissa and state their reasons for not applying the law to the South Bihar districts?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Under section 3(1) of the Sugar cane Act, 1934, this is a matter within the discretion of Provincial Governments who are presumably guided by local considerations.

(b) Yes. Presumably in view of the fact that in North Bihar sugar manufacture is an established industry and a large proportion of the cane produced is used for sugar manufacture in modern factories.

(c) In view of the reply given to parts (a) and (b) Government do not consider this necessary.

MOLASSES AND THE SUGAR INDUSTRY.

36. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Is it a fact that molasses have ceased to be a source of revenue to the sugar industry? If so, with what results?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Not entirely. Government understand that many factories are still able to obtain some

price for their molasses. Other factors remaining constant, a reduction in the price obtainable for molasses must to that extent affect the returns of a sugar factory.

SUGAR INDUSTRY AND EXTERNAL COMPETITION.

37. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: What steps are Government taking:

(a) To free the sugar industry from external competition?

(b) To counteract the effect of the importation of sugar through the maritime States? and

(c) Effectively to prevent the smuggling of sugar?

THE HONOURABLE MR. P. C. TALLENTS: (a) I would invite the attention of the Honourable Member to the section relating to sugar in the speech delivered by Sir George Schuster in introducing the budget for 1934-35. The sugar industry now enjoys an adequate measure of protection and receives generous help from Government in the matter of financing sugar technology and agricultural research for the improvement of the quality of Indian cane.

(b) Negotiations with the Kathiawar Estates are in progress.

(c) The land customs line on the borders of Kathiawar and Cutch has been strengthened.

PRESENT CONDITION OF THE SUGAR-CANE INDUSTRY.

38. THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA: Will Government be pleased to state the present condition of the sugar-cane industry in India both on its agricultural and manufacturing side and indicate generally the effects of the protection granted to it and the excise duty imposed upon it?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: A statement is laid on the table.

Statement showing the present condition of the sugar-cane industry in India both on its agricultural and manufacturing side with reference to the reply given to question No. 38.

A reference is invited to the *Review of the Sugar Industry in India* published as a supplement to the *Indian Trade Journal* for August 15th, 1935, a copy of which is available in the Library of the House. Since protection was granted to the sugar industry in 1932, there has been a steady increase in factory sugar production from 158,581 tons in 1931-32 to 620,000 tons in 1934-35, the estimate for 1935-36 being 710,000 tons. The area under sugar-cane of all kinds has increased from 3,076,000 acres in 1931-32 to 3,419,000 acres in 1933-34 and 3,471,000 acres in 1934-35. The area under improved varieties shows a marked increase from 1,170,000 acres in 1931-32 to 2,139,000 acres in 1933-34. As a result of the Sugar-cane Act, 1934, the minimum price of cane supplied to factories in the United Provinces and North Bihar throughout the last season was five annas per maund. It is too early yet to come to any conclusions regarding the effects of the excise duty, but the Government of India are informed that whereas only 115 sugar factories were working in 1933-34 there were 142 factories working in 1934-35.

CADETS COMMISSIONED FROM THE INDIAN MILITARY ACADEMY AS A RESULT OF THE LAST TWO EXAMINATIONS.

39. THE HONOURABLE MR. V. V. KALIKAR: Will Government be pleased to state:

(a) The number of officers commissioned from the Indian Military Academy in the last two examinations held in December, 1934 and June, 1935?

(b) The number of cadets admitted to the Indian Military Academy since it was started?

(c) The percentage of commissioned officers to the total number of cadets admitted up to date to the Indian Military Academy? and

(d) The percentage of cadets who have been admitted to the Sandhurst Military College and who have undergone the necessary training, but who have failed to receive a commission, in Britain in the years 1933 and 1934?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Excluding the Indian States Force cadets, 22 in December, 1934 and 25 in June, 1935.

(b) By open competition—114.

Indian Army cadets—121.

Indian States Forces cadets—36.

(c) 81 per cent. of those who have completed the course.

(d) Of the 30 Indian cadets who completed their course at the Royal Military College, Sandhurst, in 1933 and 1934, only one failed to obtain a commission. I have no information about the number of British cadets who failed in that period.

REASONS FOR DECREASING THE NUMBER OF INDIAN COMMISSIONED RANKS.

40. THE HONOURABLE MR. V. V. KALIKAR: (a) Is it a fact that the Government had decided to fill sixty vacancies in the commissioned ranks every year? (b) If the answer to part (a) is in the affirmative, what are the reasons for decreasing the number of the Indian commissioned ranks?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The intake into the Indian Military Academy is 60 a year.

(b) There has been no decrease in the number of Indian commissioned officers. If the Honourable Member is thinking of Viceroy's commissioned officers, I would refer him to my speech in reply to the Honourable Mr. Sapru's Resolution in this House on September 5th, last year.

NON-RECEIPT OF COMMISSIONS BY CERTAIN CADETS OF THE INDIAN MILITARY ACADEMY.

41. THE HONOURABLE MR. V. V. KALIKAR: Is it a fact that some of the cadets admitted to the Indian Military Academy were found by the Commandant of the Academy to be lacking in the necessary qualities and therefore were unable to receive commissions?

(b) If so, whether in the majority of cases it was the cadets who were selected on the result of the examination who were found lacking in the necessary qualities or whether cadets who were nominated by the Commander-in-Chief were similarly found lacking in those qualities?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes, Sir.

(b) Cadets of both categories have been found wanting, the majority being nominated cadets. We are now considering measures to improve matters in this respect.

AMOUNT ALLOTTED TO THE CENTRAL PROVINCES FOR RURAL UPLIFT.

42. THE HONOURABLE MR. V. V. KALIKAR: Will Government be pleased to state:

(a) The amount that has been allotted to the Central Provinces and Berar for spending on schemes for economic development and improvement of rural areas, out of one crore of rupees set aside for distribution to the provinces?

(b) Whether Government have received any scheme of rural uplift from the Government of the Central Provinces for spending the amount mentioned in part (a)?

(c) If so, the purport of the scheme submitted by the Central Provinces Government?

(d) Whether the Government of the Central Provinces included in the scheme submitted by them any proposals to assist the agriculturists who cultivate and grow oranges in the Central Provinces? If not, do Government propose to suggest the Central Provinces Government to include a proposal in their scheme for assisting the orange-growers in Central Provinces? and

(e) Whether the Government of India have received any proposals from the Agricultural Department of the Central Provinces Government to reduce the railway freight with regard to the transport of oranges to other provinces?

THE HONOURABLE MR. P. C. TALLENTS: (a) to (c). A copy of the statement presented by the Honourable the Finance Member to the Legislative Assembly regarding the grant from central revenues for rural development is laid on the table and the Honourable Member will find in it the replies to clauses (a), (b) and (c) of this question.

(d) The reply to both parts of this clause is in the negative.

(e) No.

The Government of India Grant for Rural Development in 1935-36.

In the budget speech for 1935-36 it was announced that the Government of India proposed to make a grant of Rs. 1 crore for distribution to the Provinces to be spent on schemes for the economic development and improvement of rural areas. It was indicated that 10 or 15 lakhs of this sum would be earmarked for the purpose of assisting the co-operative movement and that the remainder would be allocated among the Provinces on the basis of rural population. The money was to be spent on schemes approved by the

Government of India which would improve the economic position of the people in rural areas. The term 'economic position' was intended in its broadest sense, i.e., it was meant to cover measures designed to improve the actual money incomes of the people as well as those designed to improve their health and education. The schemes were of course to be additional schemes, i.e., over and above the ordinary activities of the Provincial Governments.

A demand was laid before the Legislative Assembly for the transfer of one crore from the 1934-35 surplus to a special fund to be devoted to the economic development of rural areas. At a later stage it was proposed to transfer to the fund the unallocated balance of that surplus, then estimated to amount to 13 lakhs, in order to provide scope for varying the allotments payable on the rural population basis where it seemed desirable to do so, particularly in the case of some of the economically backward Provinces.

In the first place, 15 lakhs have been set aside for developing the co-operative movement. Even before the decision to make a grant of Rs. 1 crore was taken, the Government of India had placed Mr. M. L. Darling, formerly Registrar of Co-operative Societies, Punjab, and an acknowledged authority on the subject, on special duty to enquire into the state of the co-operative movement in each Province with a view to assisting the Reserve Bank in developing its proposals for the creation of its agricultural credit department. As the result of his enquiries Mr. Darling was impressed with the neglect from which, in certain of the Provinces at any rate, education in the principles and practice of the movement of official as well as non-official workers engaged in it had suffered. He was strongly of opinion that unless this neglect were promptly remedied, there would be no real revival of co-operation. The Government of India recognise how wide is the scope for co-operative principles in rural reconstruction. They, therefore, agreed with Mr. Darling's view that their proposed contribution for developing the co-operative movement should be devoted to giving effect to the educational schemes which he had worked out in consultation with the Provincial Registrars of Co-operative Societies. Local Governments have been informed of this and the Government of India now await their final views on Mr. Darling's proposals. On receipt of these the sum of Rs. 15 lakhs will be distributed.

Next 85 lakhs were allocated on the basis of rural population as follows :—

	Rs. Lakhs.
Madras	14
Bombay	6
Bengal	16
United Provinces	15
Punjab	7.5
Burma	5
Bihar and Orissa	12.5
Central Provinces	5
North-West Frontier Province	1
Assam	3

Then from the supplementary amount available, $\frac{1}{2}$ lakh was set aside for each of Coorg, Delhi and Ajmer-Merwara, while an additional 2 lakhs each

were assigned to Assam and the North-West Frontier Province. These two Provinces are sparsely populated and economically backward and clearly offer the most abundant opportunities for development. The needs of Assam and its case for special treatment have been recognised on all hands in recent years.

Finally the Government of India considered that the distribution on the basis of rural population somewhat under-estimated the needs and claims of Bombay and the Punjab and an additional lakh was given to each of these Provinces.

Thus, in the end, 92½ lakhs have been allotted, as shown in the following table, and 5½ lakhs have been kept in reserve :—

	Rs. Lakhs.
Madras	14
Bombay	7
Bengal	16
United Provinces	15
Punjab	8.5
Burma	5
Bihar and Orissa	12.5
Central Provinces	5
North-West Frontier Province	3
Assam	5
Delhi	0.5
Ajmer-Merwara	0.5
Coorg	0.5
Total	92.5

Immediately the demand was passed by the Legislative Assembly, Local Governments were asked to submit schemes to an amount somewhat in excess of their allotment in order to allow for the possibility of some of their proposals not finding favour with the Government of India. The scope for initiative and experiment in rural reconstruction is of course vast. But the Government of India decided to give a lead to Local Governments by indicating certain categories which in their view covered the most pressing needs of village life and offered the most practical benefit. These categories are as follows :—

1. Sanitary measures, e.g.—

- (i) Anti-malarial schemes,
- (ii) Village water-supply including well-boring,
- (iii) Village sanitation including drainage.

2. Consolidation of holdings,

3. Village roads,

4. Discretionary grants to District Officers to enable them to promote or assist minor local works of improvement,

and Local Governments were told that the Government of India would accept without question schemes falling under these heads. It should be emphasised that these categories were not meant to be exhaustive but only to direct effort

into channels that appeared to be most fruitful. Some of the Provinces proposed to spend the bulk of their allotment on projects of these general descriptions but a considerable number of other schemes were put forward covering a wide range of activity, some of them representing entirely new departures which should in time make a radical transformation in the conditions of village life. The nature of these various schemes can most conveniently be described by a recital Province by Province of the projects actually approved by the Government of India. A further report as to the actual progress of the schemes will be laid before the Assembly in due course.

Madras.

	Rs.
(1) Rural water supply	5,50,000
(2) Village communications	4,50,000
(3) Village sanitation	3,00,000
(4) Anti-malarial measures	50,000
(5) District Officers' discretionary grants	50,000
Total	14,00,000

(1) The works will be executed by the district boards and, where the schemes relate to protected water-supply, the approval of the Sanitary Engineering Department will be insisted upon. The grants will be confined to new works only and they will be spread over as many taluks as possible in each district.

(2) A sum of Rs. 3 lakhs will be allotted to District Boards for the improvement of village communications in areas other than those within the jurisdiction of non-union Panchayat Boards. It is proposed to distribute a sum of Rs. 1,50,000 through the agency of the Inspector of Local Boards and Municipal Councils for the improvement of village communications in non-union panchayat areas. In each case, the local Government will sanction the grants after satisfying themselves that the works proposed are really useful and that the grants are distributed evenly in all districts.

(3) A sum of Rs. 3 lakhs will be spent on village sanitation as shown below :

	Rs. Lakhs.
(i) Borehole latrines in rural areas	2.75
(ii) Poonamallee Health Unit scheme	0.25
Total	3.00

(i) *Borehole latrines.*—The Director of Public Health has drawn up a scheme providing (1) for the construction of two public latrines in each

village selected, the local body or villagers undertaking to maintain them, and (2) for the supply of concrete slabs at half cost and the full supply of borers necessary for installing private latrines in a few houses in each village, subject to the condition that the house-owner finds funds for the enclosure, labour for boring and construction, and also the other half of the cost of the slabs. Work will be confined to about 100 important villages in a typical taluk of each district and the needs of areas inhabited by depressed classes will also receive due consideration. The work will be executed by the Public Health Department.

(ii) *Poonamallee Health Unit Scheme.*—It is proposed to utilise a sum not exceeding Rs. 25,000 on a scheme of intensive health work in a selected area to demonstrate the benefits that will accrue thereby to the health and welfare of the rural population. The health unit will work under the Public Health Department.

(4) The following anti-malarial measures will be carried out in four typical areas :

- (a) provision of sub-soil and open drainage at a place in the Vizagapatam Agency ;
- (b) sub-soil drainage at a place in the Nilgiris (hilly tracts) ;
- (c) anti-malarial measures in the Rameswaram Island ; and
- (d) anti-malarial measures in certain coastal areas in the Nellore district.

The works will be executed by the Public Health Department.

(5) The discretionary grants will be spent on urgent village necessities in particular localities and will be non-recurring. The objects on which the grants may be spent are restricted to the following :

- (i) Construction or improvement of public baths ;
- (ii) Improvement or provision of minor village communications such as river landings, foot-bridges, culverts, foot paths, boats for crossing streams and canals.
- (iii) Wells or other drinking water sources for the poorer classes.
- (iv) Playgrounds for village schools.
- (v) Burial and burning grounds.
- (vi) Relief of poor people who have suffered from fire, flood, cyclone or other sudden calamities or who are obliged to vacate their houses owing to plague, etc.

The question whether Collectors should be authorised to spend this grant of Rs. 50,000 on objects other than those specified above is under the consideration of the Local Government.

Bombay.

	Rs.	Rs. •
(1) Village Improvement scheme :		
Northern Division	1,08,000	
Central Division	2,02,000	
Southern Division	1,58,000	
Sind	1,38,000	
		6,06,000
(2) Improvement of buffaloes and disposal of milk		42,000
(3) Improvement of poultry		15,000
(4) Co-operative egg-collecting and marketing		2,000
(5) Improved preserving and tanning of hides		25,000
(6) Inland fisheries		10,000
Total		7,00,000

(1) The Village Improvement Scheme of the Bombay Government organised on the lines laid down by the late Governor, Sir Frederick Sykes, has now been in actual operation for nearly two years.

The essential factor of the scheme is the co-operation of all agencies—Government, local authorities, non-official associations and local effort, to improve all sides of the life of the cultivator, concentrating in the first instance on the more pressing needs of the particular village concerned. The scheme is based on the view that no effective progress is possible without the co-operation of the villagers themselves and that the first task is to arouse in them an interest in, and a desire for, improvement of their condition.

Under the scheme the primary agency is the District Executive Committee for village improvement of which the Collector is the *ex-officio* Chairman and the President of the District Local Board is the Vice-Chairman. The Committee normally includes Government officers representing the social service departments of Government, representatives of local bodies, such as Local Boards and the like, and persons concerned with social service, education, charitable organisations, etc.

Under the District Executive Committee, work is carried on in the talukas of the districts, either through the existing Taluka Development Associations or by the formation of Taluka Committees. In villages themselves Panchayats established under the Village Panchayats Act or local committees are made use of. Particular subjects, as for instance, education, co-operation, agricultural improvements, etc., can also be dealt with by the appointment of special sub-committees.

In each Division the Commissioner secures the general co-ordination of the village improvement work being carried on by the District Executive Committees in co-operation with the various Departments of Government. District Executive Committees have been formed in all districts of the Presidency proper, except the Bombay Suburban District, where the work of village improvement is entrusted to the District Local Board. Taluka and village committees have also been established in most talukas and villages. Up to the present secretaries have been appointed in eleven districts to carry on propaganda and organise activities in the districts, the necessary financial provision for them being made by Government.

The manner of development has not been the same in all districts. In some a start was made at the top with District Executive Committees, from which

the movement spread downwards to the talukas and villages, while in other districts there was concentration on villages from the start, certain villages being selected to test the experiment or to serve as models.

The Local Government recommended and the Government of India agreed that the greater part of the grant should, in the case of Bombay, be utilised for furthering this scheme which has already produced striking results. Out of the Rs. 6,06,000 to be devoted to the scheme, Rs. 2,00,000 will be distributed to District Officers for expenditure on the objects which the scheme seeks to promote, and of this Rs. 2 lakhs, Rs. 1 lakh will be reserved for villages where the scheme has not been introduced. The balance will be distributed through District Committees and other local bodies. Rs. 55,000 out of the provision for Sind will be utilized for agricultural and industrial improvement.

The following schemes will be confined to the Presidency proper and will be in charge of the officers of the departments concerned.

(2) The scheme for the improvement of buffaloes will be spread over 5 years. It is proposed to employ the agency of the village improvement committees or other similar bodies, or, where such bodies are not available, the agency of Government officials. One inspector and 4 non-graduates will be specially employed.

(3) The scheme for the improvement of poultry is in two parts. Cocks of improved breed will be introduced in a certain number of villages, and a limited number of premiums will be awarded to poultry farmers who undertake to abide by certain conditions, one of which is that their eggs will be sold locally for breeding purposes at controlled prices.

(4) It is proposed to institute a pioneer co-operative society in order to improve the marketing of eggs.

(5) For the improvement of preserving and tanning of hides two touring demonstration parties will be employed for a period of 3 years.

(6) It is proposed to stock 5 or 6 selected tanks with small fish from the Madras Presidency. Little or no recurring expenditure is anticipated when once the tanks have been stocked.

Bengal.

	Rs.
(1) Establishment of seed, paddy and crop demonstration centres	1,09,000
(2) Improvement of cattle and of fodder crops	1,75,000
(3) Improvement of poultry	500
(4) Propaganda in the district—loud speakers and gramophones	20,000
(5) Wireless transmission in Midnapore district	82,000
(6) Improved marketing—jute and paddy	50,000
(7) Coir spinning and weaving	40,700
(8) Union Board dispensaries and improvement of water supply	3,50,000
(9) Attachment of agricultural farms, etc., to secondary schools, and provision of play-grounds and village halls	1,80,000
(10) Boy Scouts, Girl Guides and Bratachari	20,000
(11) Minor drainage and flushing schemes	3,30,000
(12) Chittagong Hill Tracts	25,000
(13) Discretionary grants to Commissioners and District Officers	2,17,800
Total	16,00,000

(1) The spread of improved paddy seed is hindered by the heavy cost of distribution. Local centres have therefore been opened for the multiplication and distribution of better types of seed by 114 Union Boards in Bengal. More Boards are willing to provide land for opening such centres. It is therefore proposed to extend the scheme to 450 Union Boards in all. 8 acres will be provided at each centre, 5 for multiplication of seed and 3 for general demonstration. The Union Boards will pay for the cost of cultivation and recoup themselves from the money received for the produce.

(2) There are at present 2 temporary live-stock officers working in Bengal and 3 more will now be employed. These officers will work in 10 districts, in each of which a temporary Veterinary Assistant Surgeon will also be employed on the work. It is proposed to introduce 100 pure bred bulls in each of the districts and thus to promote the development of an indigenous breed of cattle and eliminate the necessity of importing bullocks from outside the Province, which costs Bengal at the present time Rs. 50 lakhs a year.

It is also proposed to introduce on a larger scale the cultivation of Napier grass as green fodder for cattle. This grass can be grown on areas at present not under cultivation; one acre of such grass will keep 8 animals fully supplied. It is proposed to introduce sufficient cuttings of Napier grass to grow 100 acres in each of the 10 districts at a total cost of Rs. 10,000.

The total cost of giving effect to the Local Government's schemes under this head is Rs. 1,90,000 of which the Local Government will themselves provide Rs. 15,000.

(3) The nucleus of the scheme for improving poultry in Bengal will be the Dacca Farm, which is under the charge of a specially trained officer. In each of the 10 districts mentioned above 20 selected mating birds will be supplied from this farm to villages which agree to get rid of their old male stock. Three centres have already been developed on these lines in Bengal as an experiment, and the experiments appear to have been successful.

(4) One of the most effective and established methods of rural uplift propaganda in the districts is through mass meetings. It is proposed to provide 30 loud speakers with dry cell batteries, 30 gramophones and 30 sets of musical records for use with the loud-speakers. It is proposed to use this grant to meet the initial cost and the recurring cost for one year.

(5) It is proposed to establish a rural broad-casting service in Midnapore district with a medium-wave transmitter installed in the Midnapore Court building. From this will be served 50 receiving sets installed in different parts of the district. The transmitter will be used for broadcasting the amusements programme from the Calcutta Broadcasting Station, and also to broadcast from Midnapore in the local dialect news, instructions and propaganda talks of the kind required by the people of the district and in the form likely to appeal to them. The station will be worked for the 6 months of the year during which the reception of the programme can be guaranteed to be satisfactory. The scheme will be worked for 2 years, at the end of which it is hoped to establish it on a business footing.

(6) The Government of Bengal have been considering a scheme estimated to cost Rs. 1½ lakhs for establishing jute-marketing and paddy-marketing

societies. There is a general desire for some scheme for the improved marketing of agricultural products in Bengal but past experience has indicated the need for caution. The Local Government therefore intend to use Rs. 50,000 of this grant for opening one jute-marketing and one paddy-marketing society by way of further experiment. A special officer will be attached to the Agriculture and Industries Department of the Local Government to work out the scheme.

(7) A prolific supply of cocoanuts is available in the deltaic districts of Bengal the fibre of which is at present used only for fuel. But there is the prospect of its being put to a more remunerative use as string, rope, matting, tatties, etc. The articles of these kinds at present sold in the bazars of Bengal come mostly from Southern India. An experimental coir-making and spinning demonstration party was created in November, 1934, which showed that there is a reasonable prospect of developing a local industry. It is therefore proposed to organise 4 demonstration parties with suitable equipment, to tour the deltaic areas and demonstrate the method of turning coconut fibre to economic use. The sum which the Local Government propose to utilise for this purpose will enable this experiment to be conducted for 3 years.

(8) The Local Government propose that half this sum of Rs. 3½ lakhs, should go towards the establishment of Union Board dispensaries, and the other half towards the improvement of rural water-supply. But if local opinion in any district does not favour dispensaries, any amount which is made available thereby will be diverted from dispensaries to water-supply in that district. A cheap form of dispensary with brick walls and corrugated iron roof will be erected, provided with a tube well if required. No such dispensary will be opened unless there is a definite assurance that the recurring expenditure involved will be forthcoming from local sources.

In the distribution of the money available for improved water-supply those areas in which cholera is endemic will be given preference. Money will be allotted to specific projects by the District Officers in consultation with the Chairmen of District Boards.

(9) It is proposed to attach a farm, dairy or workshop to selected schools in the province so as to provide a vocational or rural bias and keep the schools in touch with the rural population. This will be the first step in the Government of Bengal's new policy of introducing a rural bias in education.

The Local Government also propose to establish village halls, with small libraries attached, in certain selected villages to form the centres of village life. It is also proposed to construct and equip village play grounds in connection with and in close proximity to the village halls. It is also proposed to acquire and prepare playgrounds for selected schools, particularly girls' schools, many of which have at present no playground or open space attached to them.

It is hoped to establish a village hall and playground in each sub-division. The Local Government have been asked to consider whether some economy could not be effected by utilising the school building itself for the purpose of a village hall and library.

(10) A sum of Rs. 20,000 is to be spent on approved schemes for the promotion of the Boy Scouts and similar movements.

(11) Money will only be spent on minor drainage and flushing schemes examined and approved by the Local Government's technical experts. In selecting projects the following principles will be observed as far as possible :

(a) that the expenditure is calculated to effect a permanent improvement,

(b) that the schemes are schemes which are really wanted by the people themselves,

(c) that money will be available locally for maintenance if required.

(12) This sum will be expended on water-supply, drainage (sanitary and agricultural), and communications (including wooden bridges).

(13) The balance of the grant will be used to augment the discretionary grants of Commissioners of Divisions and District Officers, who will be instructed that these additional sums are to be spent only on supplementary projects within the intention of this grant.

United Provinces.

	Rs.
(1) Main Scheme	7,00,000
(2) Agricultural schemes	3,28,000
(3) Public Health and medical relief schemes	3,16,000
(4) Industrial schemes	70,000
(5) Publicity and propaganda schemes	36,000
(6) Kumaun district	50,000
	15,00,000

(1) The "Main Scheme" referred to is the Local Government's scheme of rural development, the object of which is to promote the spirit of selfhelp in the villages. To this end the Local Government propose to employ for about two years a special staff consisting of :

(i) at least six organisers in each one of the 45 districts (the three hill districts of Kumaun being excluded) ;

(ii) one inspector in each district to guide and supervise the work of the organisers.

Each organiser will work more or less on the lines on which the "Village Guides" work in connection with the co-operative movement. It is expected that he will be able to look after about 12 villages ; but this number may later on be increased. The organisers as well as inspectors will, before appointment, undergo special training in sanitation and hygiene, agricultural practice and co-operative methods. This special staff will be under the control of the District Officer. There will be district rural development associations with consultative functions. For the execution of minor local works of public utility a sum of at least Rs. 5,000 (on the average) will be placed at the disposal of each of the 45 District Officers.

For the initial two years the cost of the staff and the district allotments, together with a small reserve for unforeseen opportunities, is estimated to amount to Rs. 9 lakhs. Out of this the Local Government propose to provide Rs. 2 lakhs, which will be utilised towards the cost of the staff. The balance, viz., Rs. 7 lakhs, will be debited to the Central Government's grant.

(2) It is proposed to spend Rs. 1,20,000 in making grants-in-aid, up to one-third in each case, towards the cost of sinking tubes in existing wells. 3,000 such borings will be carried out over a period of two years in areas unserved by canals or tube wells. An extra sum of Rs. 18,000 is added to provide guarantees against cases of failure.

A sum of Rs. 79,000 will be spent in constructing embankments to prevent soil erosion and to retain moisture, particularly in the eastern districts. For the construction of these embankments a tractor will be purchased which at other times of the year will be utilised for the eradication of *kans* grass. It is also hoped to excavate 250 temporary reservoirs, towards which Government will contribute up to one-third of the cost, subject to a maximum of Rs. 300 in each case.

To develop the culture of fruit in the Province, grafts, plants and seed will be supplied to villages included in the "Main Scheme". A fruit chowdhuri will be employed in each district. The total cost of these measures will amount to Rs. 20,000.

Rs. 80,000 will be spent partly in buying up inferior seed in the villages and replacing it by good seed supplied by the Agricultural Department, and partly in improving the system of distribution of departmental seed. This will involve the subsidizing of privately managed seed stores and also, if necessary, of developing the system of seed multiplication.

Rs. 3,000 will be utilized in the establishment of poultry farms at Jaleswar and Etawah, and Rs. 8,000 on "goat improvement" by the maintenance and distribution of suitable bucks.

(3) The Local Government propose to establish nine health units, each of which will cover a compact and exclusively rural area of about 50 villages with a population of about 30,000 at an estimated cost of Rs. 11,000 a year. They propose also to introduce a scheme (estimated to cost Rs. 2,540 per unit per year) for medical relief in conjunction with these health units, and also a scheme estimated to cost Rs. 36,000 a year for the supply of village medicine chests in villages included in the Main Scheme.

The total estimated cost during the initial two years is Rs. 3,16,000.

(4) The Local Government consider that the development of marketing is one of the most promising lines for giving help to village industries. With this object a sum of Rs. 8,000 will be set apart for the existing Government Emporium of Arts and Crafts at Lucknow to cover the initial outlay on preparing catalogues, price lists, samples, etc., and as insurance against the risk of possible losses from the marketing of products of village industry. It is also proposed to subsidise local retail shops to induce them to sell articles of local manufacture, the annual subsidy being Rs. 50 each. It is proposed to establish co-operative arrangements for the marketing of *ghi* in the five

important *ghi* producing districts of Etawah, Agra, Muttra, Aligarh and Etah, and to subsidize private associations at Hathras and Agra for the testing and control of the purity of *ghi* on the lines of the institution which has already been established at Etawah. It is also proposed to expend a further Rs. 40,000 under this head, but the Local Government's final recommendations have not yet been received.

(5) In order to ensure abiding results from rural uplift work, the 3,240 villages to which the Main Scheme is to apply will receive *gratis* newspapers, monthlies and reprints, featuring rural uplift articles and news, at least once a week; the estimated cost of this is Rs. 30,000 for the initial two years.

A hundred sets of double-sided records pertaining to rural uplift will also be prepared at a cost of Rs. 6,000.

(6) The "Main Scheme" will not be applied to the hilly region comprised in the Kumaun Division. It is, however, proposed to spend Rs. 50,000 for its benefit, and suitable schemes are under preparation.

Punjab.

	Rs.
(1) Consolidation of holdings	1,04,000
(2) Sanitary improvements in 31 villages in Gujrat district ..	9,000
(3) Bore-hole latrines in Shakargarh tashil of Gurgaon district ..	10,000
(4) Water-supply schemes	2,25,000
(5) Serum cellars	20,000
(6) Reconstruction of veterinary hospitals in Rohtak district ..	12,000
(7) Construction of 10 veterinary hospitals	60,000
(8) Broadcasting scheme	48,000
(9) Tanning scheme	76,000
(10) Fruit growing	62,000
(11) Well-boring	50,000
(12) Cinema films and loud-speakers	59,000
(13) Sheep development	15,000
(14) District Officers' discretionary grants	1,00,000
Total ..	8,50,000

(1) It is universally admitted that no measure can confer greater benefit on *zamindars* in the Punjab than consolidation of their holdings. The work is at present progressing in 11 districts at the rate of 60,000 acres a year through the agency of co-operative societies formed for the purpose, under the guidance and supervision of a staff of 8 inspectors and 104 sub-inspectors employed and paid by Government, assisted by a staff of 3 assistant inspectors and 22 sub-inspectors paid for from the contributions of applicants for consolidation. It is now proposed to employ a special consolidation officer and 8 inspectors and 88 sub-inspectors in order to expedite the progress of the work. Any sums which may be collected from *zamindars* who are benefited will be used to employ additional staff.

(2) These improvements will consist in the provision of sullage drains, pavements of dry brick on edge, hand-pumps, repairs and roofing of percolation wells, etc. The villages have been selected in consultation with the district officers. One-third of the cost will be debited to this grant, one-third to the district boards, and one-third to the *Islah-o-Taraqqi* committees of the villages.

(3) The Shakargarh tashil in Gurgaon district is infected with hook-worm disease. The construction of bore-hole latrines is intended to prove to the people their advantage in preventing re-infection from the soil. The money will be spent in purchasing augers and squatting seats. The further expenditure involved will be met by the district board.

(4) The water-supply schemes will provide a protected supply of drinking water in selected villages in Kangra, Shahpur, Mianwali, Dera Ghazi Khan and Jhelum districts, where it is particularly required.

(5) 100 serum cellars will be constructed at suitable centres so as to facilitate the prompt despatch of sera and vaccines on the occasion of outbreaks of cattle disease. The recurring expenditure involved will be met by the district boards.

(6) Great damage was done to the veterinary buildings in Rohtak district by floods in 1933, and the district board cannot afford to restore them. This will now be done at the expense of this grant.

(7) 10 new veterinary hospitals will be constructed on a standard plan in the areas covered by the Dhanni and Haryana cattle-breeding schemes, where the district boards are too poor to afford the cost. The boards will, however, be liable for the recurring expenditure.

(8) For the instruction and entertainment of the people of the districts nearest to the Delhi Broadcasting Station, namely, Rohtak, Karnal and Gurgaon, it is proposed to instal 40 receiver sets and maintain them for two years. Arrangements will be made in consultation with the Government of India to broadcast suitable programmes from Delhi to the villages, under the control of the Commissioner of Rural Reconstruction.

(9) The Punjab is one of the principal centres in India for the export of goat skins and has practically a monopoly of the export of lamb skins. Approximately 8 per cent. only of the skins exported are tanned in the Punjab. Punjab hides also are of good quality and there is a local supply of tanning material. It is proposed to create a central tanning institute for research and demonstration, with two travelling demonstration parties.

(10) Rs. 47,000 will be spent in producing and distributing reliable fruit nursery plants at cheap rates and on a large scale, and Rs. 15,000 on installing a fruit preservation plant on a semi-commercial scale for experimental and demonstration purposes. To achieve the former object existing nurseries will be extended and new nurseries opened: after two years the scheme should be self-supporting. The other part of the grant will be spent in opening a small canning plant at Lyallpur, which is regarded as of primary importance to the Punjab fruit industry. It is hoped that after the first year the recurring expenses of this factory will be covered by the receipts.

(11) Experience in the Province has shown that the boring of wells increases their yield by anything up to 300 per cent. In addition to the cost of the pipes and strainers left in the wells after boring, Government at present charge 12 annas a foot for all bores, whether successful or not. In order to assist and encourage the public in this direction, they now propose to remit the charge of 12 annas a foot for 2 years. The cost is estimated at Rs. 50,000.

(12) Cinema shows are extremely popular and useful in the Punjab and the public are prepared to pay for attending them. The local Government already possess two touring outfits; three more are required to provide one for each Division and another as a reserve. In addition, more and better films are required for instructional purposes: it is proposed to spend Rs. 36,000 on films of this kind, and Rs. 4,000 on films for entertainment. Two loud-speaker sets will also be provided.

(13) The sheep development scheme will be confined to the 6 districts of the Multan Division. The unit of the scheme will be the flock consisting of 1 ram and 50 ewes. Breeders at selected centres will be provided with one or more such units as the lessees of Government on the understanding that they will carry out the instructions of the Civil Veterinary department, keep no mature rams in their flock unless approved by the department, and only dispose of their surplus animals at prices fixed by the department.

(14) The District Officers' discretionary grants will be used for carrying out petty works of local improvement.

Burma.

	Rs.
(1) Rural development centres	3,35,000
(2) Deputy Commissioners' discretionary grants	50,000
(3) Anti-malarial measures	1,15,000
Total	5,00,000

(1) The object of the scheme for rural development centres is partly the formation of model village groups from which it is hoped that the idea of rural uplift will gradually spread to surrounding areas, and partly to furnish a means by which each department can experiment in intensive development. It is proposed that four rural development centres should be opened in different parts of Burma. Each centre will comprise a typical group of villages with an area of probably 30 square miles, but varying according to density of population. Within this unit expenditure will be incurred in four principal directions.

(i) *Public Health*.—There will be a dispensary and health centre. Steps will be taken to improve the record of vital statistics, investigation and control of diseases, sanitation, and propaganda and to introduce maternity and child welfare clinics.

(ii) *Education*.—School buildings will be increased and improved. Probably 6 primary schools and one central school with a High department will be required. Compulsory education will be introduced if possible, and special

attention will be paid to the possibilities of technical education. Playing fields will be provided and also a library.

(iii) *Agriculture*.—A farm school will be established if there is not one already in the vicinity, and short courses will be given in practical agriculture to sons of cultivators with special reference to the improvements effected by the Agricultural Department. There will also be a special Agricultural Assistant who will conduct an intensive campaign within the centre in order to demonstrate agricultural improvements, and attempts will also be made to improve the marketing of crops.

(iv) *Veterinary*.—Increased facilities will be provided for inoculation, etc.

General work, such as improvement of tanks, wells, roads, etc., will also be undertaken in each unit. It is intended to use the assistance of the Co-operative Department and various non-official agencies.

It is hoped that as the experiment proceeds, the need for supervision and the cost will decrease, and that eventually the control of the units will be taken over by the local bodies. Until then the estimate of expenditure assumes that the work will continue for 4 years.

Each centre will be under the control of an Executive Officer who will be advised by a local committee consisting of officials and non-officials.

(2) The sum set aside for Deputy Commissioners' discretionary grants will be utilised for the improvement of village wells and tanks, for roads and small bridges, for improving village schools and assisting village libraries, for providing recreation grounds or equipment, for assisting poor communities to start boy scouts or girl guides associations, and to encourage rural industries.

(3) The sum provided for anti-malarial measures will be expended on the extensive issue of cinchona febrifuge over a period of 5 years, and on the general free issue of quinine in schools in areas where malaria is endemic. Larvae eating fish will also be bred at certain centres near the malarial areas.

Bihar and Orissa.

	Rs.
(1) Village communications	6,00,000
(2) Rural water-supply	5,00,000
(3) Schemes for draining <i>chaurs</i> and desilting tanks in North Bihar	1,00,000
(4) Village welfare	50,000
.. .. .	12,50,000

(1) The improvement of village communications is one of the most urgent needs of the province, particularly in order that the cultivator may be able to dispose of his crops more easily and profitably. It is therefore proposed to spend Rs. 6 lakhs on the making or improving of cart tracks which will connect the villages with main roads and so with markets and railways. It is also hoped that this expenditure will further increase the utility of the marketing officers recently appointed by the Local Government. The intention is

that the work should be carried out under the direct control of the District and Sub-divisional Officers, who will invoke the assistance of the leading men in the area where any particular project is undertaken and get them to make themselves responsible for the actual supervision of the work. The villagers themselves will be encouraged to co-operate by making free gifts of the land required for these village roads and by providing labour free or on reduced wages. Preference will in all cases be given to schemes where practical co-operation of this sort is forthcoming.

(2) The need for improved rural water-supply is universally recognised. More wells and more village irrigation dams are required. This work will be carried out on the same lines as the projects for the improvement of village communications, and special attention will be paid to the needs of the depressed classes.

(3) The necessity for draining certain of the *chaurs* in North Bihar has frequently been pressed on the Local Government for years past. The present is a suitable opportunity to undertake some of the more promising of these schemes through the agency of the Irrigation Department. Part of this provision will also be used for desilting tanks in North Bihar; the expenditure incurred in desilting tanks in other parts of the Province will be met from the allotment for rural water supply.

The choice of the actual schemes to be carried out under heads (1), (2) and (3) will rest with the District Officers after canvassing the views of the local public.

(4) A sum of Rs. 50,000 will be placed at the disposal of the Hon'ble Education Minister for experimental village-welfare schemes. These schemes will not involve any recurring commitments, but they will aim at setting up village organisations which will be capable of self-development in future if the experiments meet with success. The programme of work which these village organisations will set before themselves will include the introduction of improved methods of agriculture, the encouragement of cottage industries, the improvement of village sanitation, the provision of good drinking water, etc.

Central Provinces.

	Rs.
(1) Rural water supply	1,20,000
(2) District Officers' discretionary grants	1,00,000
(3) Welfare of aboriginal tribes in scheduled districts	40,000
(4) Dispensary buildings in villages	15,000
(5) Experiments in poultry farming	10,000
(6) Better bulls for District Councils	30,000
(7) Farm in Mandla district	30,000
(8) 5 additional debt conciliation boards	1,00,000
(9) Cinemas on lorries for demonstration work	20,000
(10) 2 tractors for use in Saugor district	15,000
(11) Storage accommodation for cultivators' produce	20,000
Total	5,00,000

(1) The Local Government report that there is a constant demand for assistance in the provision of proper water-supply in villages, especially in certain tracts of Berar, and that the amount which could be spent for this purpose is almost unlimited.

(2) The discretionary grants placed at District Officers' disposal are for small works of village utility, the carrying out of which will greatly add to the amenities of rural life. Instances of the kind of works contemplated by the Local Government are the construction of small *cuiverts* over bad *nala* crossings, repairs to village tanks and wells, construction of fair weather roads and building of village rest houses.

(3) The grant for the welfare of aboriginal tribes will be devoted to the development of certain areas inhabited by backward and aboriginal tribes with special reference to improved water-supply and educational and medical facilities.

(4) 27 cheap plan dispensaries have already been established and a number of schemes are still pending on account of financial stringency. The policy of the Local Government is to give a non-recurring grant equal to half the estimated cost of the dispensary building and to provide an Assistant Medical Officer and a small contribution towards maintenance. The balance of the cost of the buildings and of the recurring charges is met locally. The sum provided will enable more institutions of this kind to be opened.

(5) A scheme has been prepared by the Department of Agriculture for the distribution, free of cost, of pure bred cockerels from Government farms, and the grant proposed is to bring this scheme into effect. It is hoped that particularly in the neighbourhood of large towns an industry subsidiary to agriculture will spring up which will add considerably to the village income.

(6) It is proposed to supply a better class of bull free of cost to the District Councils for breeding purposes. The Councils will be required to keep the animals suitably fed and in good condition.

(7) Large quantities of seed are imported every year into Mandla district. The provision of Rs. 30,000 will cover the non-recurring and recurring expenditure for one year of a seed farm in that district. Thereafter the Local Government will assume responsibility. The scheme was approved by the Board of Agriculture in 1923, but the Local Government have never been able to give effect to it.

(8) A Debt Conciliation Act was passed in this Province in 1933, and the first two debt conciliation boards were established in July, 1933. The Act provides for the conciliation of accumulated debts by a debt conciliation board by means of mutual agreement between debtors and creditors. So far six boards have been at work, and four more are being added during the current year. But for the financial difficulty more boards would have been established. The six boards already at work have reduced a total debt of Rs. 63·57 lakhs to Rs. 36·38 lakhs. 27 to 55 per cent of the original debts has been remitted. Easy instalments, worked out according to the paying capacity of the debtor and generally not exceeding the amount of the annual rent payable by him, have been fixed for the reduced debt. The entire debt is to be repaid in such instalments in periods of 10 to 12 years. The area of operations of a board

generally covers one or two tahsils, and it is expected to complete its work in about 2 years. The annual cost of each board is Rs. 10,000. The cost of one board thus comes to Rs. 20,000.

(9) A lorry and cinema outfit for demonstration purposes was purchased in 1928-29 and the demonstrations given by it have been much appreciated by the public. It is proposed with this grant to purchase three more lorries. These lorries will be accompanied by officers of the Agricultural Department and they will also be used by other departments which are concerned with village uplift.

(10) It is proposed to provide tractors for ploughing up land which has been thrown out of cultivation by the growth of *kans* grass. The land will be ploughed at cost price so that the cultivators may get the benefit of the gift of the tractors from the Government of India.

(11) It is proposed to construct godowns in market towns where cultivators can store their produce temporarily when they are faced with the necessity of disposing of it at disadvantageous rates. One or two experimental godowns will be constructed in the first place. No recurring expenditure is anticipated.

Assam.

	Rs.
(1) Rural water-supply	3,00,000
(2) Village roads	1,00,000
(3) Discretionary grants to Divisional Commissioners	40,000
(4) Village sanitation	40,000
(5) Purchase of pumps for irrigating <i>boro</i> paddy lands	20,000
Total	5,00,000

(1) The improvement of the rural water-supply in Assam is a crying need which has been urged again and again in the local Legislative Council. This is a particularly suitable opportunity for effecting improvements in this direction for which it has hitherto been impossible to find funds. It is proposed to sink wells or (if this proves absolutely necessary owing to the failure of wells) to dig tanks as may be dictated by local conditions. The money will be allotted by the Local Government on conditions approved by the Public Health Department. The recommendations of the District Officers will be made after consultation with *ad hoc* committees constituted in each sub-division. This arrangement will be adopted in connection with village roads and village sanitation also.

(2) The sum allotted for village roads will be distributed by the Divisional Commissioners after consultation with District Officers and local boards. The allotment of money will be conditional on the local boards concerned undertaking to maintain the roads on completion at their own cost.

(3) The discretionary grants will be administered by the Divisional Commissioners for purposes of public utility and works of petty local improvement.

(4) The provision for village sanitation will be given out in the form of grants by Commissioners to village authorities or other suitable agencies.

(5) In certain low-lying areas of the Surma valley the *aman* or long stemmed paddy crop has proved very insecure in recent years owing to recurring floods, and it is expected that the condition of the people will be much improved if they are enabled to grow another (spring) variety of long stemmed paddy, called *boro*, which can be harvested before the flood season. The Agricultural Department has been working on this problem and experiments have shown that one portable pump can irrigate 800 bighas in a month. It is proposed to purchase 10 portable pumps for use in this valley. Experiments with a pump will also be made in suitable areas of the Assam valley. They will be worked under the charge of an Inspector. After the crop has been harvested, it is intended that 1½ maunds of paddy per bigha should be recovered as hire for the use of the pump.

North-West Frontier Province.

	Rs.
(1) Drinking water supply	1,20,000
(2) Discretionary grants to Deputy Commissioners	40,000
(3) Village roads	10,000
(4) Anti-malarial measures including purchase of quinine	15,000
(5) School farms	10,000
(6) Marketing facilities for local industries	3,000
(7) Damming of torrents in D. I. Khan District	10,000
(8) Headworks on the Bara River in Peshawar District	5,000
(9) Industrial shop	7,000
(10) Other miscellaneous schemes	30,000
Total	3,00,000

(1) In certain parts of the province drinking water has to be fetched during the hot season from as far as twelve miles away, and the necessity for improvement in this respect is continually being pressed upon Government. The difficulty is particularly acute between Dera Ismail Khan and Tank, in the sandy Marwat tract in Bannu, in the Khattak country of Kohat District and at Mansehra in the Hazara District.

(2) Of the District Officers' discretionary grants a part will be earmarked for expenditure on schools, and the balance will be spent on providing materials for minor schemes, such as culverts and embankments, for which the villagers themselves are prepared to provide the labour. It has been decided to allot Rs. 15,000 to each district and Mardan sub-division.

(3) This amount will be spent in small sums, distributed as widely as possible throughout the districts on small improvements to existing roads and construction of short tracks to connect villages with main roads. It is intended that this money should be spent on materials only and that labour should be obtained from the villages concerned.

(4) This sum will be earmarked for the purchase of quinine and cinchona febrifuge for distribution among the rural population through hospitals and travelling dispensaries throughout the province.

(5) With the sum of Rs. 10,000 provided for school farms, it is proposed to buy plots of land adjoining schools for the purpose of giving the pupils practical training in agriculture and gardening. This system has given satisfactory results in the adjoining province of the Punjab.

(6) For the improvement of marketing it is proposed to construct small *mandis* at selected places and to encourage the exhibition of locally made articles.

(7) The irrigation scheme in Dera Ismail Khan District is intended to control the flow of flood water in certain hill streams which is at present unmanageable though of vital importance to cultivation.

(8) The scheme on the Bara River is for the purpose of assisting the villagers to make *pucca* distribution heads instead of the existing *kutcha* heads.

(9) To encourage and develop minor industries of the province (blanket making, embroidery, basket work, pottery, copper work, etc.) a retail shop has been opened in the Peshawar Cantonment. The buying organisation will comb the province for suitable wares, find the best markets in India, and possibly Europe, and establish direct relations with the producers. The shop is expected to be a self-supporting concern within a period of three to four years. The scheme will be subsidized from provincial revenues as may be necessary in future years.

(10) The Local Government are considering other schemes calculated to benefit the rural areas and no expenditure on these schemes will be incurred till the Government of India have accorded approval.

Coorg.

	Rs
(1) Water supply	32,500
(2) Cattle breeding	2,500
(3) Discretionary grants	15,000
Total	50,000

(1) Of the provision for water supply, Rs. 10,000 will be spent on constructing 28 draw-wells to provide drinking water for the villagers in selected villages; the balance of the cost of constructing the wells will be met by subscriptions of the residents.

Rs. 15,800 will be spent on repairing 64 tanks which have silted up and ceased to be useful. These tanks are required for the purpose not only of providing drinking water for men and cattle but for irrigation also. The local people have promised to supply free labour to complete the work.

Rs. 6,700 will be spent on excavating or repairing 12 irrigation channels. Each of these channels is designed to irrigate over 100 acres of wet cultivation. The villagers will supply free labour.

(2) The provision for cattle breeding will be spent in accordance with the recommendations of the Animal Husbandry Expert of the Imperial Council of Agricultural Research.

(3) The discretionary grant of Rs. 15,000 will be at the disposal of the Commissioner, and is intended for improving village communications, for anti-malarial work and improvements in village sanitation, as well as for assistance to certain occupations subsidiary to agriculture.

Delhi.

	Rs.
(1) Wells (a) repairs	24,000
(b) new	8,000
(2) Re-modelling village	3,000
(3) Roads and communications	10,000
(4) Deputy Commissioner's reserve	5,000
Total	50,000

(1) A survey of wells throughout the rural area administered by the Chief Commissioner of Delhi has been carried out by officers of the Public Health Department. In order to ensure the supply of drinking water, wells which have fallen into disrepair will be repaired and new wells will be constructed where they are urgently required.

(2) The Assistant Director of Public Health has prepared a scheme for re-modelling a small village by the main Delhi-Najafgarh Road. It is hoped to make this village a valuable object-lesson to the public.

(3) It is proposed to repair certain *kutcha* roads which are important arteries of communication in the rural area and which have fallen into such serious disrepair that they are at present of little use.

(4) Rs. 5,000 will be placed at the disposal of the Deputy Commissioner who during his cold weather tour will distribute this sum in supplying urgent necessities in the villages.

Ajmer-Merwara.

	Rs.
(1) Improvement of village roads and construction of small bridges and culverts.	23,000
(2) Propaganda for improvement of agriculture	23,000
(3) Improvement of live-stock	1,000
(4) Discretionary grant at the disposal of the Commissioner	3,000
Total	50,000

(1) Rs. 23,000 will be spent on improving 97 miles of the more important village cart tracks, so as to convert them into ordinary fairweather roads.

(2) For the purpose of agricultural propaganda 3 Agricultural Assistants with 3 demonstrators will be appointed, one for each of the 3 sub-divisions. The function of this staff will be to give practical demonstrations in the cultivators' fields of improved methods of cultivation, and to supervise the distribution of good seed from seed depots to be opened for the purpose.

(3) 20 bulls will be purchased and maintained at different places in the district under the control of the veterinary staff of the district board.

(4) Rs. 3,000 will be placed at the disposal of the Commissioner for petty works of local improvement.

TRANSFER OF BRITISH SERVICE OFFICERS TO THE INDIAN ARMY.

43. THE HONOURABLE MR. V. V. KALKAR: With reference to the communiqué recently issued by the Government of India regarding the transfer of 100 British Service officers to the Indian Army, will Government be pleased to state:

(a) Whether these officers have been offered very attractive terms, and, if so, the cost of this attractive scheme?

(b) Why no Indian officers were recruited between the years 1921 and 1930 in order to make up the shortage of British candidates? and

(c) Whether Government propose to follow the policy of recruiting Indian officers to make up the shortage, if any, of British candidates in future?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Financially, the terms are in no way more attractive than usual, and no extra cost is involved.

(b) Indian officers were recruited during those years to the full extent of the vacancies allotted to India at Cadet Colleges in England. At that time there was no other institution at which they could be trained, and at that time Government were not prepared to accelerate the experiment which this recruitment represented.

(c) The question is hypothetical, but I may say that a situation like the present one is not likely to arise in future unless there is another Great War.

NUMBER OF CLERKS RECRUITED FROM THE INDIAN ARMY CORPS OF CLERKS FOR ARMY HEADQUARTERS.

44. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government please state the number of clerical vacancies at Army Headquarters filled by members of (i) British Wing and (ii) Indian Wing of the Indian Army Corps of Clerks since the introduction of this new organization?

(b) Is it a fact that before the introduction of the Indian Army Corps of Clerks for Army Headquarters service there was no racial discrimination in regard to pay and prospects between British and Indian clerks in Army Headquarters offices.

(c) Is it a fact that in the Indian Army Corps of Clerks for Army Headquarters service there are differential rates of pay on racial grounds, i.e., lower

rates for Indians and higher rates for Europeans performing the same duties? If so, will Government be pleased to state the reasons therefor?

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

(b) When all the clerks at Army Headquarters were civilians, there was a common scale of pay—but British soldier clerks in the second division always received a higher starting pay than Indians.

(c) There are now different rates of pay for the military and civilian sides of the Indian Army Corps of Clerks, and the difference is due to the fact that civilians of the type required can be recruited on much lower rates of pay than soldiers. It is not true that they all perform the same duties.

THE HONOURABLE MR. HOSSAIN IMAM: Will Your Excellency consider the advisability of having civilian clerks?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I should like notice of that question.

Statement giving the information required in part (a) of question No. 44.

Number of clerical vacancies at Army Headquarters filled by members of the Indian Army Corps of Clerks since 1st January, 1934:—

Soldiers.	Civilians.
24	66
(9 on probation).	(48 on probation).

MOTION FOR ADJOURNMENT *RE* DESPATCH OF TROOPS TO ABYSSINIA.

THE HONOURABLE THE PRESIDENT: Order, order. Honourable Members, I have received notice of a Motion for Adjournment from the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra in order to discuss a definite matter of urgent public importance. As I think that the Motion is in order, I will first read it and then take the sense of the Council whether the Motion should be allowed or not. The notice reads thus:

"Sir, I beg leave to move for an adjournment of the House to discuss a definite matter of urgent public importance, namely, the despatch of troops from British India to Addis Ababa in Abyssinia.

Yours obediently,

(Sd.) MATHURA PRASAD MEHROTRA.

Does Your Excellency object?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is not in my Department. It is the concern of the Foreign and Political Department.

THE HONOURABLE SIR BERTRAND GLANCY (Political Secretary): No objection, Sir.

THE HONOURABLE THE PRESIDENT: Do any other Members object?

(No Honourable Member objected.)

THE HONOURABLE THE PRESIDENT: Then the Honourable Member has got the leave of the Council. The Motion will be discussed at four o'clock this afternoon.

STATEMENTS LAID ON THE TABLE.

AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE RESERVE BANK OF INDIA.

THE HONOURABLE MR. P. C. TALLENTS (Finance Secretary): Sir, I lay on the table a copy of the Agreement between the Secretary of State for India in Council and the Reserve Bank of India.

RESERVE BANK OF INDIA.

[Incorporated under the Reserve Bank of India Act, 1934 (II of 1934)].

AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE RESERVE BANK OF INDIA.

AN AGREEMENT made this fifth day of April 1935, BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL acting by and through THE GOVERNOR GENERAL IN COUNCIL (hereinafter called "the Secretary of State") of the one part and THE RESERVE BANK OF INDIA (hereinafter called "the Bank") of the other part WHEREAS the Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) (hereinafter called "the Act") with and subject to the various powers, provisions and restrictions in and by the Act set forth and it was thereby *Inter alia* particularly provided as follows, viz.,

(1) by section 20 of the Act that the Bank should undertake to accept monies for account of the Governor General in Council and to make payments up to the amount standing to the credit of his account and to carry out his exchange, remittance and other banking operations including the management of the public debt and

(2) by section 21 (1) of the Act that the Governor General in Council should entrust the Bank on such conditions as might be agreed upon with all his money, remittance, exchange and banking transactions in India and in particular should deposit free of interest all his cash balances with the Bank provided that nothing in that sub-section should prevent the Governor General in Council from carrying on money transactions at places where the Bank has no branches or agencies and that the Governor General in Council might hold at such places such balances as he may require and

(3) by section 21 (2) of the Act that the Governor General in Council should entrust the Bank on such conditions as might be agreed upon with the management of the public debt and with the issue of any new loans.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the said parties hereto as follows, that is to say:—

1. This agreement shall come into force on the execution of these presents.

2. The general banking business of the Governor General in Council (in which business is included the payment, receipt, collection and remittance of money on behalf of the Governor General in Council and of such Local Governments as may not have the custody and management of their own provincial revenues) shall be carried on and transacted by the Bank in accordance with and subject to the provisions of this agreement and of the Act and with and to such orders and directions as may from time to time be given to the Bank

by the Governor General in Council through any Government officer or officers authorised by him in that behalf and at any of the offices, branches or agencies of the Bank for the time being in existence as may from time to time be so directed and for this purpose such accounts shall be kept in the books of the Bank and at such offices, branches or agencies of the Bank as shall be necessary or convenient or as the Governor General in Council shall from time to time direct in the manner aforesaid.

3. The Secretary of State shall employ the Bank as the sole Banker in India of the Governor General in Council who shall deposit or cause to be deposited with the Bank or allow the Bank to receive and hold as banker the whole of his cash balances at any places at which for the time being the Bank shall have an office, branch or agency and the Bank shall subject to such orders as may from time to time be given by the Governor General in Council in the manner aforesaid receive and hold for the Governor General in Council all such monies as may be or become payable to him or on his account and the Bank shall transact at its offices, branches and agencies for the time being existing respectively all such business for the Governor General in Council regarding the receipt, collection, payment and remittance of money and other matters, as is usually transacted by bankers for their customers. The Bank shall make the said monies at the said offices, branches and agencies available for transfer to such places and at such times as the Governor General in Council may direct. No interest shall be payable to the Governor General in Council on any of the monies for the time being held by the Bank.

4. The management of the public debt and the issue of new loans by the Governor General in Council and the performance of all the duties relating thereto respectively including the collection and payment of interest and principal and the consolidation, division, conversion, cancellation and renewal of securities of the Governor General in Council and the keeping of all registers, books and accounts and the conduct of all correspondence incidental thereto shall be transacted by the Bank at its offices in Bombay, Calcutta and Madras and at any of its offices, branches or agencies at which respectively the administration of any portion or portions of the public debt is for the time being conducted or interest thereon is for the time being payable and the Bank shall also keep and maintain such registers, books and accounts in respect of the said public debt as the Governor General in Council may from time to time direct and shall audit all payments of such interest and act generally as agents in India for the Secretary of State and for the Governor General in Council in the management of the said public debt and shall conduct such agency subject to such orders and directions with regard to the general management thereof as may from time to time be given to the Bank by the Governor General in Council.

5. The Bank shall not be entitled to any remuneration for the conduct of the ordinary banking business of the Governor General in Council other than such advantage as may accrue to it from the holding of his cash balances free of obligation to pay interest thereon.

6. As remuneration to the Bank for the management of the public debt as aforesaid the Bank shall be entitled to charge to the Governor General in Council half-yearly a commission at the rate of Rs. 2,000 per crore per annum on the amount of the public debt as aforesaid at the close of the half-year for which the charge is made. In calculating this charge the following amounts shall be excluded from the amount of public debt, viz:—

- (a) The amounts of loans discharged outstanding after one year from the date of a notice of discharge.
- (b) The amount of stock certificates for Rs. 50,000 and upwards held by the Governor General in Council or by a Local Government or by any officer or officers of the Government of India or of a Local Government authorised in that behalf.
- (c) The amount of the Government of India rupee securities held in the issue department of the Bank.
- (d) The amount of stock and notes outstanding in the London register.

And in addition to the charge of Rs. 2,000 per crore per annum the Bank shall be entitled to charge to the Governor General in Council a fixed sum of Rs. 2,000 a year on account of the stock certificates referred to in head (b) of this clause and the Bank shall be also entitled to charge the public (but not the Governor General in Council or a Local Government) all such fees and charges as are now or may hereafter from time to time be prescribed by the Governor General in Council under the powers conferred upon him by the

Indian Securities Act, 1920 (Act No. X of 1920) for duplicate securities and for the renewal, consolidation, division or otherwise of all Government Securities which the Bank issues.

7. The Bank shall maintain currency chests of its issue department at such places as the Governor General in Council may prescribe and the Governor General in Council shall provide sufficient accommodation for such chests as may be required for the deposit of notes or coin and shall be responsible to the Bank for the safe custody of the said chests, notes and coin. The Bank shall keep the said chests supplied with sufficient notes and coin to provide currency for the transactions of the Governor General in Council and reasonable remittance facilities to the public at the said places. The Governor General in Council shall supply the Bank with such information and returns as the Bank may from time to time require as to the composition of the balances in the said chests and the amount and nature of the transfers to and from the said chests. The Bank shall have access to the said chests at all reasonable times for the purpose of inspecting and checking the contents. The Governor General in Council shall be responsible to the Bank for the examination and correctness of coin or notes at the time of deposit in or withdrawal from the said chests.

8. The Bank shall not be at liberty to close any of its offices or branches except on Sundays, New Year's Day, Christmas Day, Good Friday and on any other day declared to be a public holiday by any notification published in pursuance of the Negotiable Instruments Act (Act XXVI of 1881) subject nevertheless and notwithstanding the provisions of that Act to any special orders or directions which may be issued by the Governor General in Council and the Bank shall be responsible that no one of its agencies doing Government business for the time being existing shall be closed except on Sundays and on public holidays authorised by the Local Government within whose jurisdiction such agencies may be respectively situated.

9. The responsibility for all loss or damage to the Secretary of State and the Governor General in Council which may result from any act or negligence or omission of the Bank in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, subdivision or cancellation of any Government security shall rest with and be borne by the Bank provided however that it shall not be incumbent on the Bank to verify signatures and endorsements on Government securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto PROVIDED ALSO that in regard to the ordinary banking business at the offices, branches and agencies of the Bank of receiving and realising money and securities for money on account of the Governor General in Council and paying cheques, orders, draft bills and other documents whether negotiable or not in the Bank's capacity of bankers for the Governor General in Council and whether such business be done by the Bank or by agencies on its behalf the responsibility to the Secretary of State and the Governor General in Council shall be that of the Bank and such responsibility shall be that of a banker to an ordinary customer.

10. The Bank shall remit on account of the Governor General in Council between India and London such amounts as may be required by him from time to time at the market rate of the day for telegraphic transfers, subject to the proviso that if a large transfer has to be effected in connection with the flotation or repayment of a sterling loan or analogous operation, and if it is considered by either party to be inappropriate to apply the rate of a single day, an average rate based on a longer period may be fixed by agreement between the two parties.

11. This agreement may be determined by either party giving to the other party one year's notice in writing expiring on the 31st day of March in any year, such notice if given by or on behalf of the Secretary of State to be addressed to the Governor of the Bank and to be served by being left at the Head Office of the Bank and if given by the Bank to be served by leaving the same with or addressing the same by registered post to the Secretary to the Government of India in the Finance Department and immediately upon the expiration of such notice this agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

12. Nothing in this agreement shall operate to affect in any way the obligations imposed either on the Governor General in Council or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

13. The Bank shall be entitled to perform all or any of the matters contained in this agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Governor General in Council.

IN WITNESS WHEREOF

Secretary to the Government of India in the Finance Department by the order and direction of the Governor General in Council acting for and on behalf of the Secretary of State for India in Council has hereunto set his hand and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board has been hereunto affixed in the presence of its subscribing officials the day and year first above written.

Signed by the said the Honourable Mr. Philip Cubitt Tallents, C.S.I., C.I.E., I.C.S., Secretary to the Government of India in the Finance Department for and on behalf of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

(Sd.) P. C. TALLENTS,
Secretary to the Government
of India, Finance Department.

(Sd.) H. S. STEPHENSON,
Additional Under Secretary
to the Government of India.

The Common Seal of the Reserve Bank of India was affixed hereto in the presence of Sir Edward Charles Benthall, Kt., and Sir Badridas Goenka, Kt., C.I.E., two of its Directors and Sir Osborne Arkell Smith, K.C.S.I., its Governor.

Common Seal
of the
Reserve Bank of
India

(Sd.) F. C. BENTHALL,
BADRIDAS GOENKA,
Directors.

(Sd.) OSBORNE A. SMITH,
Governor.

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE IMPERIAL BANK OF INDIA.

THE HONOURABLE MR. P. C. TALLENTS (Finance Secretary): Sir, I lay on the table a copy of the Agreement between the
12 Noon. Reserve Bank of India and the Imperial Bank of India.

RESERVE BANK OF INDIA.

[Incorporated under the Reserve Bank of India Act, 1934 (II of 1934).]

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE IMPERIAL BANK OF INDIA.

AN AGREEMENT made the fifth day of April 1935, BETWEEN THE RESERVE BANK OF INDIA (hereinafter called "the Reserve Bank") of the one part and THE IMPERIAL BANK OF INDIA (hereinafter called "the Imperial Bank") of the other part WHEREAS the Imperial Bank was constituted and incorporated by the Imperial Bank of India Act, 1920 (being Act No. XLVII of 1920) and WHEREAS the Reserve Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) hereinafter called "the Act" and WHEREAS by section 45 of the Act it is *inter alia* provided that the Reserve Bank should enter into an agreement with the Imperial Bank which should be subject to the approval of the Governor General in Council and should be expressed to come into force on the date on which Chapter III of the Act should come into force and should remain in force for 15 years and thereafter until terminated after 5 years' notice on either side and should further contain the provisions

set forth in the Third Schedule to the Act subject nevertheless to the proviso that the agreement should be conditional on the maintenance of a sound financial position by the Imperial Bank, and that if, in the opinion of the Central Board of the Reserve Bank, the Imperial Bank failed either to fulfil the conditions of the agreement or to maintain a sound financial position, the said Central Board should make a recommendation to the Governor General in Council and the Governor General in Council after making such further inquiries as he thought fit might issue instructions to the Imperial Bank with reference either to the agreement or to any matter which in his opinion involved the security of the Government monies or the assets of the Issue Department of the Reserve Bank in the custody of the Imperial Bank and in the event of the Imperial Bank disregarding such instructions might declare the agreement to be terminated and WHEREAS the agreement contemplated by the Act is the agreement hereinafter set out to which the Governor General in Council has already expressed his approval.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the parties hereto as follows, that is to say :—

1. This agreement shall be deemed to have come into force on the 1st day of April 1935 being the day on which the Governor General in Council by notification in the Gazette of India appointed that Chapter III of the Act should come into force and this agreement shall remain in force for the term of twenty years from the aforesaid day and thereafter unless and until determined as hereinafter provided.

2. The Reserve Bank shall during the subsistence of this agreement employ the Imperial Bank as its sole agent at every place in British India where there is a branch of the Imperial Bank which was in existence at the date on which this agreement comes into force and where there is no branch of the Banking Department of the Reserve Bank.

3. The general banking business of the Governor General in Council which may be entrusted by the Reserve Bank to the Imperial Bank as sole agent of the Reserve Bank as aforesaid shall be managed by the Imperial Bank subject to the provisions of this agreement and with and to such orders and directions as may from time to time be given to the Imperial Bank by the Reserve Bank and for this purpose all such accounts shall be maintained by the Imperial Bank as shall be necessary or convenient or as the Reserve Bank shall from time to time direct :

Provided however that in conducting such business the responsibility of the Imperial Bank shall be solely to the Reserve Bank and shall be that of a Banker to an ordinary customer.

4. The Reserve Bank shall not maintain a balance with the Imperial Bank for the management of the accounts of the Governor General in Council, but all sums due to or from the Governor General in Council in the management of the aforesaid accounts shall be adjusted by the Imperial Bank by book transfer with the balances which it holds with the Reserve Bank at such place or places at which there is a branch of the Banking Department of the Reserve Bank and in such manner as may be agreed upon between the Reserve Bank and the Imperial Bank from time to time.

5. (a) In consideration of the performance at the places and in the manner specified in this agreement by the Imperial Bank on behalf of the Reserve Bank of the functions which the Imperial Bank was performing on behalf of the Governor General in Council before the coming into force of this agreement with the exception of functions relating to the management of the public debt, the Reserve Bank shall pay to the Imperial Bank as remuneration a sum which shall be for the first ten years during which this agreement is in force a commission calculated at one-sixteenth of one per cent. on the first 250 crores and one-thirty-second of one per cent. on the remainder of the total of the receipts and disbursements dealt with annually on account of Government by the Imperial Bank on behalf of the Reserve Bank. At the close of the said ten years the remuneration to be paid by the Reserve Bank to the Imperial Bank for the performance of these functions shall be revised and the remuneration for the ensuing five years shall be determined on the basis of the actual cost to the Imperial Bank, as ascertained by expert accounting investigation, of performing the said functions. The remuneration so determined shall thereafter be subject to revision in like manner at the end of each period of five years so long as this agreement remains in force. The amount of the said remuneration shall be arrived at by discussion in advance between the Reserve Bank and the Imperial Bank so that the new arrangements may come into force at the beginning of each such period :

Provided that if any dispute arises between the Reserve Bank and the Imperial Bank as to the amount of the said remuneration, the matter shall be referred for final decision to the Governor General in Council who may for the purpose of arriving at such decision require from the Imperial Bank such information and may order such accounting investigation as he thinks fit.

(b) The Reserve Bank shall pay to the Imperial Bank for acting as agent in matters other than that for which the Imperial Bank is remunerated under clause 5(a) such remuneration as shall be agreed between the parties from time to time and failing agreement as shall be determined by the Governor General in Council whose decision shall be final and binding on the parties.

6. The Imperial Bank shall maintain branches not less in number than those existing at the time this agreement comes into force and in consideration thereof the Reserve Bank shall until the expiry of 15 years from the coming into force of this agreement make to the Imperial Bank the following payments, namely

(a) during the first five years of this agreement—nine lakhs of rupees per annum ;
(b) during the next five years of the agreement—six lakhs of rupees per annum ;
and

(c) during the next five years of the agreement—four lakhs of rupees per annum.

7. The Imperial Bank shall not without the approval of the Reserve Bank open any branch in substitution for a branch existing at the time this agreement comes into force.

8. If the Imperial Bank so desires, the Reserve Bank shall maintain a chest of its Issue Department and a small coin depot at each branch of the Imperial Bank managing the Government account situated at a place in British India where there is no office of the Banking or Issue Department of the Reserve Bank, and at any local head office or other branch of the Imperial Bank in India if the two Banks so agree and the Imperial Bank shall provide sufficient accommodation for such chests and small coin depots as may be required for the deposit of notes or coin. The Reserve Bank shall supply the said chests and depots with the necessary currency whether notes or coin, and the Imperial Bank shall, subject to any general or special directions received from the Reserve Bank in that behalf, exchange notes for coin and coin for notes and make deposits and withdrawal of notes and coin at such chests and depots and shall supply the Reserve Bank with such information as it may from time to time require as to the transactions at such chests and depots and the composition of the balances held thereat. The Imperial Bank shall be responsible for the safe custody in its strong rooms of the said chests and depots and their contents and the responsibility of the Imperial Bank in respect of the said chest and depots and their contents shall be that of a bailee as prescribed by section 151 of the Indian Contract Act (Act IX of 1872). The Imperial Bank shall allow the Reserve Bank to have access to the said chests and depots at all reasonable times for the purpose of inspecting the contents and the arrangements made for their safe custody. The Imperial Bank shall also be responsible for the examination and correctness of coin or notes at the time of deposit in or withdrawal of the same from the said chests or depots.

9. The Imperial Bank shall be at liberty for the purpose of the transfer of its funds from any of its local head offices or branches in India to any other or such offices or branches to make payments into and withdrawals from its account with any office or branch of the Banking Department of the Reserve Bank or any office or chest of the Issue Department of the Reserve Bank or any small coin depot in its custody free of charge.

10. The Imperial Bank shall give to all banks included in the Second Schedule of the Act such facilities for remittances as may be prescribed from time to time by the Reserve Bank and shall also as far as practicable give the public every facility for the transfer of money at rates not exceeding such rates as the Reserve Bank may by special or general direction approve.

11. The Imperial Bank shall not be at liberty to close any of its offices or branches at which it performs agency functions for the Reserve Bank except on Sundays and on public holidays as defined by the explanation to section 25 of the Negotiable Instruments Act (Act XXVI of 1881).

12. The Imperial Bank shall forthwith supply the Reserve Bank with any information which it may by special or general direction from time to time require, regarding the security of the Government monies or the assets of the Issue Department in the custody of the Imperial Bank and the Reserve Bank shall be entitled to issue instructions to the

Imperial Bank in respect of any matter which in its opinion vitally affects either of these matters provided that nothing in this clause shall operate to affect the obligations in regard to the supply of information imposed on the Imperial Bank as a Scheduled Bank under section 42 of the Act and the regulations framed under section 58(2)(c) of the Act.

13. If in the opinion of the Reserve Bank the Imperial Bank has failed either to fulfil the conditions of this agreement or to maintain a sound financial position or has wilfully disregarded or failed to comply with the provisions of clause 12 of this agreement, the Reserve Bank shall be entitled to make a recommendation to the Governor General in Council and the Governor General in Council after making such further enquiry as he thinks fit may issue instructions to the Imperial Bank with reference either to this agreement or to any matter which in his opinion involves the security of the Government monies or the assets of the Issue Department of the Reserve Bank in the custody of the Imperial Bank and in the event of the Imperial Bank disregarding such instructions may by notification in the Gazette of India declare this agreement to be terminated and on such notification being issued this agreement shall forthwith be determined accordingly but without prejudice to any rights acquired or liabilities incurred by either party prior to such determination.

14. This agreement may be determined at or at any time after the expiration of the said term of twenty years by notice in writing given in manner hereinafter mentioned that is to say, that if on or after the expiration of fifteen years from the date on which this agreement comes into force either of the parties hereto shall give to the other party a notice in writing expressing its desire to determine this agreement such notice if given by the Reserve Bank to be addressed to and served upon the Managing Director of the Imperial Bank and if given by the Imperial Bank to be addressed to and served upon the Governor of the Reserve Bank, this agreement shall immediately upon the expiration of five years from the day of such service absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

IN WITNESS whereof the Common Seals of the Reserve Bank of India and the Imperial Bank of India have been hereunto affixed in the presence of their respective subscribing officials the day and year first above written.

The Common Seal of the Reserve Bank of India was hereunto affixed pursuant to a resolution of its Central Board in the presence of Sir Osborne Arkell Smith, K.C.I.E., the Governor and Sir Edward Charles Benthall, Kt., and Sir Badridas Goenka, Kt., C.I.E., two of the Directors of the Reserve Bank of India who in token of their presence have hereupon signed their names.



(Sd.) OSBORNE A. SMITH,
Governor.

(Sd.) BADRIDAS GOENKA,
E. C. BENTHALL,
Directors.

The Common Seal of the Imperial Bank of India was hereunto affixed in the presence of William Lamond the Managing Director and Evelyn James Bunbury and Harry Harrison Burn two of the Directors of the Imperial Bank of India who in token of their presence have hereupon signed their names.



(Sd.) W. LAMOND,
Managing Director.

(Sd.) E. J. BUNBURY,
H. H. BURN,
Directors.

CHAIRMAN OF PORT TRUSTS.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I lay on the table a statement containing the information promised in reply to question No. 126 asked by the Honourable Mr. Satyendra Chandra Ghosh Maulik on the 16th April, 1935.

Port Trust.	Whether the undermentioned post was filled by an Indian. If so, by whom and for what period.		Remarks.
	Chairman.	Vice-Chairman.	
1. Calcutta ..	No	No.	
2. Chittagong ..	Yes. Mr. K. C. De, C.I.E., I.C.S., from the 30th April, 1916 to 1st August, 1921.	Yes. Mr. S. C. Ghatak, from the 12th June, 1923 to the 30th November, 1923.	
	Mr. J. N. Roy, O.B.E., from the 28th October, 1924 to the 17th November, 1925, and again from the 24th June, 1926 to the 14th November, 1926.	Rai Upendralal Roy Bahadur, B.L., from the 4th May, 1935 to date.	
3. Bombay ..	No	No.	
4. Rangoon ..	No	Yes. Mr. U Thein Maung (Burman) from the 8th July, 1932 to date.	
5. Madras ..	No		There is no post of Vice-Chairman or Deputy Chairman for the Madras Port Trust.
6. Karachi ..	No	Yes. Indians were elected as Vice-Chairman for the following years :— 1925-26 (part); 1926-1927 to 1930-31; and 1932-33 to 1934-35.	
7. Aden ..	Yes. Mr. Salman Badrudin Tyabji, A.M. I.C.E., M.I.E. (Ind.), from the 21st March, 1928 to the 30th June, 1928.		There is no post of Vice-Chairman or Deputy Chairman for the Aden Port Trust.

OBJECTS ON WHICH THE PETROL TAX FUND WAS EXPENDED DURING 1934-35.

THE HONOURABLE MR. G. H. SPENCE (Government of India : Nominated Official): Sir, I lay on the table the statement promised in reply to part (b) of question No. 146 asked by the Honourable Sir Ernest Miller on the 28th August, 1934.

Statement showing the objects on which the Petrol Tax Fund was expended during 1934-35.

Object.	Expenditure.
1. Installation of an illuminated wind indicator at the Karachi Air Port ..	2,768
2. Extra expenditure in connection with the installation of a fixed flood-light at the Karachi Air Port	785
3. Experimental consolidation of ground at the civil landing ground at Bassein	613
4. Purchase of an accelerometer for carrying out research in atmospheric turbulence	777
5. Financial assistance and scholarships to Indians for training in England in civil aviation	*16,000
Total ..	20,943

* This is the revised estimate ; actual expenditure is not yet known.

MESSAGE FROM HIS MAJESTY THE KING EMPEROR.

THE HONOURABLE THE PRESIDENT: I have a message to deliver to you from His Majesty the King Emperor. The Message is as follows :

*" Buckingham Palace.
June, 1935.*

The King Emperor is graciously pleased to express His thanks for the greetings addressed to His Imperial Majesty on the occasion of His Silver Jubilee, and much appreciates the sentiments of loyalty and goodwill which prompted this message "

(The Message was received by the Council, standing.)

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: I have a message to deliver from His Excellency the Governor General. It is as follows :

PANEL OF CHAIRMEN.

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

In the first place, the Honourable Sir Phiroze Sethna ; in the second place, the Honourable Rai Bahadur Lala Ram Saran Das ; in the third place, the Honourable

Saiyed Mohamed Padshah Sahib Bahadur ; and lastly, the Honourable Sir David Devadoss.

SIMLA ;
The 14th September, 1935.

WILLINGDON,
Viceroy and Governor General "

(The Message was received by the Council, standing.)

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each session to constitute a Committee on Petitions consisting of a Chairman and four Members. The following 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 RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT: It is now my privilege and pleasure to congratulate the Honourable Members of this Council who have been the recipients of Honours in His Majesty's Birthday's Honours List. The two first and foremost names which attract our attention are those of the Honourable Kunwar Sir Jagdish Prasad (Applause) and the Honourable Sir Muhammad Zafrullah Khan. The Honourable Kunwar Sir Jagdish Prasad has been in our Council for some time now and I can add very little to the tribute of praise that was given to him by many Members of this Council on his first appearance in the Council in Delhi. Sir Jagdish Prasad comes to the Government of India after a record of brilliant service in the United Provinces where he made a reputation and name for himself. He is one of the most conscientious servants of the United Provinces Government and in his capacity of Home Member there he rendered great service not only to the United Provinces but indirectly to the Government of India also. The title of Knighthood which is bestowed on him is merely the precursor of many higher titles soon to follow. Sir Jagdish Prasad during the short time he has been with us has proved his ability and his power of debate in this Council and many of the Honourable Members were struck with his quick grasp and the facility with which he took part in many important debates in this Council.

The Honourable Sir Muhammad Zafrullah Khan, though he is occupying a seat in another House just at present, was a Member of and the Leader of this House for a short period during the time Sir Fazl-i-Husain went on leave, and we found him a very talented and able Member and Leader. I myself had the pleasure of working with him in the Round Table Conference and in the Federal Structure Committee and I can speak as an eyewitness to his masterly ability and the impression which he then made not only on Lord Sankey but on the Prime Minister who used to attend the meetings of the Round Table Conference. He has received a reward for real merit and I have no doubt

[Mr. President.]

that we shall have the pleasure of seeing him in this House very often in the course of important debates.

Among the non-officials, the name of Sir Ernest Miller is one that attracts our notice. (Applause.) Sir Ernest Miller has now retired but he was for nearly five years a Member of this Council and we all had great admiration and respect for his views. He always spoke with sobriety and forbearance and he attracted the attention of this Council by his great modesty and his restrained language. We are very pleased that he has received a suitable recognition for his meritorious work not only in connection with the Roads Committee but in connection with this Council.

The name of Sir James Braid Taylor is one of considerable importance. (Applause.) He was in our Council off and on for various periods between 1932 and 1934. He is a comparatively young man but a very talented man and is now recognised as an expert in financial matters. As Finance Secretary to the Government of India he was for some time in this House and we were struck with the high quality of his debates and the conspicuous part which he always took in discussion of financial matters. He has now been translated to a more eminent post and that is the Deputy Governor of the Reserve Bank of India, a post which I have no doubt—and the Council will also agree—the duties of which he will discharge with great credit to himself and also credit to the Government of India.

Another name which I wish to bring to your notice is that of Sir Saiyid Raza Ali (Applause), a former Member of this Council. He served on this Council from 1921 to 1926 and also for a brief interval from 1934 to 1935. He is now posted to serve in South Africa as Agent to the Governor General. He was a very useful Member of this Council and though he had pronounced views on many important matters he laid them before the Council with great sobriety and judgment. I have no doubt that in the new office which he holds he will bring credit not only to himself but distinction to Indians.

I also allude with the greatest pleasure to the Honourable Mr. Thomas Alexander Stewart (Applause), a popular Member of this Council. Mr. Stewart was the right-hand man of Sir Joseph Blore and during the last four years that he has been in this Council he has shown great talents, masterly ability, quick grasp of most important commercial questions and a sense of consideration and respect to his opponents with whom he often disagreed. (Applause.) He is one of the most brilliant members of the Indian Civil Service and I have no doubt there are many things yet in reserve for him. I wish him all success in his career. (Applause.)

The last name that I wish to allude to is that of the Honourable Khan Bahadur Nawab Chaudri Muhammad Din. (Applause.) He is a retired officer of the Punjab Civil Service and he is now Revenue Member of the Council of State of Jaipur, Rajputana. We all congratulate him on the title of Nawab which has been conferred on him as a personal distinction. (Applause.)

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I am very grateful to you for the very kind things that you have said about me. I hope I shall continue to retain the goodwill and the good opinion of Honourable Members of this House.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): May I, Sir, also express my very grateful thanks to you and to the Honourable Members of this House for their very cordial congratulations? (Applause.)

THE HONOURABLE KHAN BAHADUR CHAUDRI NAWAB MUHAMMAD DIN (East Punjab Muhammadan): Sir, I am deeply grateful to you and to the Council for the very kind words.

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, 1935, namely:

The Indian Naturalization (Amendment) Act, 1935.

The Indian Tariff (Amendment) Act, 1935.

The Indian Tea Cess (Amendment) Act, 1935.

The Salt Additional Import Duty (Extending) Act, 1935.

The Indian Mines (Amendment) Act, 1935.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

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

"I am directed to inform you that the Legislative Assembly has, at its meeting on the 3rd September, 1935, agreed without any amendment to the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, which was passed by the Council of State at its meeting held on the 21st March, 1935."

DEATHS OF MR. P. C. DESIKA CHARI, SIR JOHN THOMPSON, SIR BASIL BLACKETT AND SIR DEVA PRASAD SARVADHIKARY.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is now my mournful task to refer to the death of some of our colleagues past and present who were Members of this Council and who had served their country with much distinction. I first wish to refer to the death of the Honourable Mr. P. C. Desika Chari, a Member from Rangoon. Mr. Chari, who belonged to the Madras Presidency, left India and settled down in Rangoon some years ago and he became a prominent member of the Rangoon Bar. Subsequently he took great interest in public life in Burma and eventually he was sent here as a Member for Burma. Mr. Chari, though he had very definite, pronounced and extreme views on many subjects, represented his views before this House with great humility, with restraint and with considerable forbearance. He was listened to and respected by this House, especially the non-official Members, because he always studied the questions which he argued before the House and he took part in many of the important debates of this House during the time that

[Mr. President.]

he was a Member of this Council. We all regret his unfortunate and untimely death.

Next I wish to refer to the services of a distinguished member of the Indian Civil Service who retired from India three years ago and had settled down in his home in England, I mean the late Sir John Thompson. Sir John Thompson served in the Legislative Council of the Punjab for some time and thereafter he was appointed Political Secretary to the Government of India. Later on he became the Chief Commissioner of Delhi. He was one of the most brilliant members of the Indian Civil Service. He was Chief Secretary of the Punjab Government during the quinquennial period 1916 to 1921 and unfortunately but for an incident that happened then, he would have probably risen to the highest post as the head of a province in India. He was a man of remarkable ability, he possessed the rare gift of eloquence, of speaking on any subject and without notice. He was a very conscientious man; and when he was appointed as the Chief Commissioner of Delhi he took considerable interest in the execution of his office. When he was appointed Chief Commissioner of Delhi, currency was given to the report—I was then in Delhi too—that a tyrant from the Punjab had been sent to rule the Delhi province, but in a short time the people of Delhi loved him and he loved them. He took great interest in the people of Delhi, in the promotion of all sanitary hygienic works. He gave his support, help and advice to the municipality of Delhi and endeavoured his best to decrease disease and to promote the health and comfort of the people of Delhi. As Chief Commissioner of Delhi he gained a reputation of the highest order. Since his retirement he has not been altogether unheard of. Those who have read the English papers must have found that since his retirement Sir John Thompson took a lively interest in the Reforms which were debated in the House and he espoused the cause in public newspapers of Indians. Unfortunately, an operation brought his career to an untimely end but I would say without hesitation that Sir John Thompson's life and career may be profitably emulated by the younger members of the Indian Civil Service.

Next, with much sorrow, I refer to the death of Sir Basil Blackett. Unfortunately he met with a very tragic end. Sir Basil Blackett's reputation was so great both in England before he came out to India and the reputation which he built up for himself as Finance Member of the Governor General's Council that it may be urged that it is not necessary for me to say much about it. He was a man of outstanding ability and I would therefore refer to some of the great services which he rendered to England before he arrived in India and the services which he rendered to this country when he accepted the office of Finance Member of the Governor General's Council.

Sir Basil Blackett first made his name as Secretary of the Currency and Exchange Commission of 1913. During the time that he was Secretary he gave such valuable assistance to the members of that Committee and he handled with such conspicuous success the many important and complex financial questions with which that Commission was concerned. He laid the foundation then for the brilliant manner in which he was to handle all those problems connected with the great office which he was to occupy ten years later in this country. He was specially requisitioned by the Treasury to go to America to solve the problem of exchange during the war with America.

Later on it was as an expert of the prime order that he was sent as a member of the Anglo-French mission to America during the war to raise 500 million dollars for the purpose of the war and there he showed his great ability and diplomacy. Later on the Treasury specially appointed him to settle the cash resources of this country and do the work of the National War Savings Committee which he also discharged with great ability. During the years 1917 to 1919 he was always in requisition in his own country and later on at the end of 1922 he came out to India. It might be asked why a man of his brilliant abilities who had acquired a great reputation in England, who had already acquired an international reputation, should have elected to come out to India to take up the comparatively less exalted office of Finance Member of the Government of India. I will recall his own words to explain his conduct in that direction. In rising to present his first budget in the Legislative Assembly on March 1st, 1923, he commenced by saying:

"It is a great privilege to me thus to be able to fulfil an old dream of returning to the land of my birth to serve India as so many of my ancestors have done".

It was in this spirit he was inspired to come out to India. During the time he held the office of Finance Member of the Government of India,—one of the most important, one of the most complex and difficult office to hold,—he distinguished himself by an exhibition of rare financial genius. He tackled immediately on his arrival the exchange question. Exchange was at that time soaring to higher flights. He arrested the flights of exchange with a remarkable acumen and subsequent events have justified his action. He stabilised the rupee, as every one knows, and put the ratio on a proper footing. There has been much talk and much controversy over the question of the ratio during the last few years but the subsequent years since his retirement have justified the action which he took in supporting the majority report of the Royal Commission on Exchange and Finance and proved that he took the right step. He put the debt service of India on a proper basis. He reduced the interest charges to the extent of Rs. 6 crores and 40 lakhs and he put the redemption of debt on a proper basis. He saved the Indian taxpayers a considerable amount of money. Apart from that, he was instrumental in the separation of the Railway budget from the General budget and though during the last two or three years it may be said that the separated Railway budget has not worked properly it may yet be regarded as one of his greatest achievements because when he started the separation for the four years immediately succeeding the separation surplus budgets were presented with huge surpluses which were instrumental in providing nation-building works and also in wiping out the provincial contributions which were a very heavy burden to the provinces. With great success the whole of the provincial contributions were wiped out during his term of office. It was his influence that brought down the Army budget from about Rs. 70 crores to slightly over Rs. 55 crores in 1928.

He put the Posts and Telegraphs Department of the Government of India on a commercial basis, in other words he actually commercialised it, and the present great success and flourishing condition of the Posts and Telegraphs Department is entirely due to his efforts in these matters. He organised Provincial Loan Funds which reduced rates of interest on Provincial Loans to 5 and 5½ per cent. from 8½ per cent. and also offered to the country a

[Mr. President.]

far more liberal Reserve Bank Bill than one which has now been enacted but which was rejected by a former Assembly.

I do not wish to delay the Council any longer. I could refer to many of his acts and services which have extorted our respect and admiration but I will only say that, even after his retirement, his services and his financial knowledge were considered to be of such a high order that in his own country he was invited to become a Director of the Bank of England. He was invited to take part in most of the important enterprises which were then started and other businesses with which up to the day of his death he was associated. His tragic death has deprived England and India of a great financier and a real friend of this country.

I wish also to refer to the death of one of Bengal's greatest sons—I mean Sir Deva Prasad Sarvadhikary. Sir Deva Prasad was a Member of this Council for some time and as such displayed great acumen and great knowledge of the world, and in Bengal he was known as a great educationist. He was less of a politician and more of an educationist. He made a name in the Bengal Legislative Council and subsequently he came here to the Council of State. He was Vice-Chancellor of the Calcutta University which post he discharged with great credit and great satisfaction to the people of Bengal. His death, though in the ripeness of time, has deprived Bengal of one of her greatest citizens and India of a great educationist of foremost importance.

I shall convey to the members of the families of the deceased gentlemen the condolence and sympathy of the Council in their heavy bereavement.

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 16th September, 1935, namely:

- A Bill to supplement the Central Provinces Courts Act, 1917;
- A Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose;
- A Bill further to amend the Indian Army Act, 1911, for certain purposes; and
- A Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose.

MOTION FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE ON EMIGRATION, VICE MR. B. K. BASU.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I beg to move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, one non-official Member to sit on the Standing Committee on Emigration, vice Mr. B. K. Basu, C.I.E."

The Motion was adopted.

MOTION FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE FOR ROADS, VICE SIR ERNEST MILLER.

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

"That this Council do proceed to the election in such method as may be approved by the Honourable the President, of a Member to serve on the Standing Committee for Roads, in place of Sir Ernest Miller for the remaining months of the financial year 1935-36."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the two Motions which have just been adopted by the Council, I have to announce that nominations for these two Committees will be received by the Secretary up to eleven o'clock on Friday, the 20th September, 1935 and the dates for the elections, if necessary, will be announced later.

RESOLUTION RE REDUCTION OF THE IMPORT DUTY ON CARBON BLOCKS.

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

"That this Council recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators be reduced from 25 per cent. to 15 per cent. *ad valorem*."

This Resolution, Sir, is moved in pursuance of the undertaking that was given last March when the report of the Tariff Board on the claim of the Indian manufacturing industry for the removal of a tariff inequality in respect of carbon blocks imported for the manufacture of carbon brushes was published. The Government of India accepted the finding of the Tariff Board that a tariff inequality did exist. They accepted the recommendation that the duty on carbon blocks should be reduced from 25 per cent. *ad valorem* to 15 per cent. *ad valorem*. But before giving effect to this recommendation, they undertook to place the proposal before the Legislature so that the Legislature might, if they wished, have an opportunity of discussing the proposal. A tariff inequality is said to exist, Sir, when the manufacturer of a commodity in India pays, in the aggregate, more duty on the raw materials which he imports than the importer of the finished product pays on that finished product. Carbon brushes for electrical motors and generators consist of specially shaped pieces of carbon which are fashioned from carbon blocks. These specially shaped brushes are attached to wire leads for the conduction of the current. Now, the importer of the finished product pays duty at the rate of 10 per cent. *ad valorem*. The Indian manufacturer who imports carbon blocks to make the brushes, who imports the wire for the leads and the cement with which he attaches the wires to the brush, pays 25 per cent. *ad valorem* on his carbon block and 20 per cent. *ad valorem* on his wire and cement. It does

[Mr. T. A. Stewart.]

not follow necessarily that a tariff inequality is thereby established, because the value of the finished article is obviously much higher than the value of the component parts and it might be that the sum representing 10 per cent. on the brush might exceed the aggregate of the sums leviable at 25 and 20 per cent. on the raw materials. The matter requires careful examination. That examination has been carried out by the Tariff Board. The method they have employed is exhibited on page 3 of their report, copies of which were supplied to all Honourable Members of this House. What they have done is this. They have taken representative types of blocks that are imported into India. They have ascertained in respect of each type how many carbon brushes can be manufactured from it. They have then calculated the total amount of duty that will be paid on that number of brushes, if imported complete. Let us call that sum A. They have then calculated the amount of duty that would be paid on the cement and wire that would be required to finish that number of brushes. Let us call that B. They have then said to themselves, "If we now realise on the carbon block an amount equal to A—B, then we will be sure that the manufacturer in India has paid as much and no more than the importer of the finished product". They ascertained the absolute amounts of duty that should be paid on each type of block; they have calculated what that represented in terms of *ad valorem* incidence. For each type of block they have arrived at a varying figure but on the average they found that it represented something just over 15 per cent. It is therefore their recommendation that the existing duty should be reduced from 25 per cent. to 15 per cent. *ad valorem*. It is of course possible to rectify a tariff inequality not only by reducing the duty on the raw material but also by increasing the duty on the finished product. But the Tariff Board very wisely, if I may say so, recommended that the former method should be chosen as they were not able to estimate what might be the effect of the latter on the very numerous industries in India which employed electrical machinery. The Government of India agree with them that the reduction of duty on the raw material is the more appropriate method of rectifying the inequality. The sum at issue is a matter of Rs. 9,600 and this the Government of India consider a very reasonable sacrifice to make if it will enable the Indian manufacturer of carbon brushes to gain a somewhat larger share of the market for carbon brushes, of which at the present moment he enjoys only 50 per cent.

With these words, Sir, I commend my Motion to the House.

The Motion was adopted.

The Council then adjourned till Four of the Clock.

The Council re-assembled at Four of the Clock, the Honourable the President in the Chair.

MOTION FOR ADJOURNMENT *RE* DESPATCH OF TROOPS TO ABYSSINIA.

THE HONOURABLE THE PRESIDENT : The Council will now proceed with the discussion of the Adjournment Motion. Under Standing Order 23 no speech shall exceed 15 minutes in duration.

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

"That the House do now adjourn".

Before proceeding on the merits of the Motion, I may make it plain that the object of my Motion is not to censure the Government for sending troops to Abyssinia. In fact all adjournment motions should not be taken in that light. The objects of adjournment motions are sometimes different and this Motion of mine is to discuss the policy of the Government, namely, whether the Legislature has a right to ask the Government that they should be consulted when troops are sent out of India. Sir, so far as sending troops to Abyssinia is concerned, I think the Government has taken the right action. I am further glad to understand from the answers to the short notice question in the other House that the British Government has taken the responsibility of the expenditure incurred in sending those troops as well as of the cost of their stay in Abyssinia. There is one important question, Sir, in this connection, and it is this, why have troops been sent from India which is at a greater distance than England? I understand that a contingent of 100 men were required and that could have been very easily sent from England or Aden at lesser expense than from India at greater expense. I hope the Government will clear this point when they reply to my Motion.

Sir, Honourable Members of this House are aware that during the discussion on the Navy Bill last year the Government gave an assurance with the full authority of the British Government that whenever the Navy was to be used for any other purposes than the protection of India the Legislature would be consulted. Sir, I think that assurance also holds good so far as the land troops are concerned by implication and it was but right for the Government to have consulted the Legislature.

THE HONOURABLE THE PRESIDENT : When was that assurance given? I was not aware of it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : In the other House, Sir, during the discussion on the Navy Bill.

Then, Sir, we know that troops were sent last month when the Council was not in session. Sir, this contingency may arise in a majority of cases, because the Legislature is in session only for three months out of the 12 and many occasions may arise when immediate action has to be taken without consultation of the Legislature. So, Sir, that assurance will be a pious wish and nothing else. I want to make it very clear to the Government that if such a contingency arises they may call a special and emergent meeting of the Legislature. They can summon meetings by telegram for a day or two and if that is considered to be too much I would have no objection if the Government is prepared to elect a Standing Committee of both Houses which may give advice on such matters and there will be no difficulty in calling that small committee. But the Government must take the representatives of the country into their confidence before taking any important action like this. Sir, we all know that in the Dominions troops are never sent out of their countries without the consent of their Legislatures and it is this convention that we want to develop in this country also. I hope the Government will, on the eve of the introduction of

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

the new Reforms, make it a convention and will not do so in future. Nobody can say when another war may break out and what may be the situation. It is just possible that Indians may be required to help as they did during the Great War. India stood to a man during the last Great War and supplied millions of troops, crores of rupees and thousands of articles of different kinds. It is just possible during the course of another few months a contingency may arise and it will be in the fitness of things that Government before taking any action may consult both Houses of the Legislature.

Sir, with these words, I move.

THE HONOURABLE THE PRESIDENT : Motion made :

"That the Council do now adjourn".

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, my Honourable friend, the Honourable Mr. Mehrotra, has explained that this Motion is not in the nature of a censure motion. The point that he wishes to emphasise is that the Legislature should be consulted before troops are sent abroad. He has raised—and I think very rightly—no objection to the actual step that has been taken by the Government at this particular time. Sir, the rules of the House do not permit a discussion of foreign policy, but if I may just indicate my own feeling in this matter I think it is quite clear that Indian opinion is in this conflict between Italy and Abyssinia wholly and entirely on the side of Abyssinia. If I may be permitted to say so, it was a great pleasure to me to read the other day the speech of our distinguished delegate at the League of Nations—I mean His Highness the Aga Khan—and in the attitude that he took up at the League of Nations he reflected the general attitude of the thinking intelligentsia in this country. What really we want is an assurance from Government that our troops shall not be employed abroad for the purposes of imperial aggression. We are not objecting to the course that the Government has adopted at this particular moment. We are thinking rather in terms of the future. And therefore if His Excellency will give us an assurance that on future occasions troops will not be sent without reference to the Indian Legislature or without consultation with the Indian Legislature, I am quite sure that my friend the Honourable Mr. Mehrotra will be satisfied.

THE HONOURABLE THE PRESIDENT : But if the Council is not sitting ?

THE HONOURABLE MR. P. N. SAPRU : I am just coming to that point, Sir. It was for that reason that I was going to suggest that there should be some standing machinery for that purpose. Of course, foreign affairs are a reserved subject. It is not open to us to suggest that foreign affairs should be transferred. We should have been very glad if that could have been done. But we should like a standing committee of the Legislature to be constituted for the purpose of advising Government in regard to these matters when the Legislature is not sitting. You have so many standing committees. You can have a standing committee constituted from both the Houses and this standing committee you can consult on occasions when it may become necessary for you to take action when the Legislature is not sitting.

THE HONOURABLE THE PRESIDENT : Is there any precedent for that ?

THE HONOURABLE MR. P. N. SAPRU : Sir, I do not always think in terms of precedent. I belong to a school of thought which would rather do without precedent and which would create precedent. A statesman should think in new terms and not always in terms of precedent. Precedent may be all right for judges and lawyers. It is not always all right for statesmen. Therefore, Sir, the suggestion that we would very respectfully make is that there should be some standing machinery. That standing machinery would work in co-operation with the Government. It would be of use to the Government itself. Government would be better informed than it is today of public opinion in regard to foreign affairs in India. After all, India is a member of the League of Nations and what is the use of India being a member of the League of Nations if Indians cannot think on foreign affairs or if they cannot say what they feel about foreign affairs or if they have got no constitutional machinery to make their wishes felt in a constitutional manner on foreign affairs ? Sir, I am not asking for something very extreme. It will be within the recollection of the House that this matter formed the subject-matter of a discussion in the Joint Select Committee also. I have not been able to lay my hand on the report of the Joint Select Committee but I believe there is a recommendation—I may be corrected by His Excellency the Commander-in-Chief if I am wrong—I believe there is a recommendation of the Joint Select Committee that Indian troops should not be employed abroad without reference to the Indian Legislature. I think there was a discussion in the Committee also on this matter and Lord Winterton took a very decided stand on this question and he supported the Indian point of view in regard to this matter.

Then I am not quite sure whether an assurance was given with regard to the use that was to be made of the Indian Navy when the Indian Navy Bill was under discussion in this House but my recollection is that something to that effect was said in the other House. There was some reference of the character which the Honourable Mr. Mehrotra has in mind in the other House. After all, Sir, these troops are ours and we pay for these troops and it is a very natural desire that we should be jealous of the reputation of our troops. Sometimes we do not want them to be sent for wars in which we have no direct interest. We want to live on terms of the utmost friendliness with our Asiatic neighbours and we do not want to be mere pawns in the chessboard of European diplomacy. Therefore, it is a matter of very vital importance that before Indian troops are sent Indian public opinion should be consulted. It may be that sometimes you have to take action immediately. Sometimes you have to take action when the Legislature is not sitting. But what happens when a Government takes action when the Legislature is not sitting in any responsible constitution ? Well, the Government takes action, but then when the Legislature begins to function, the Government places the material before the Legislature and asks for the confidence of the Legislature. It is open to the Legislature then to say whether the action taken by the Government was right or wrong. Our whole point is, that there should be some such machinery and that Government should become if not responsible, at least responsive to public opinion in this matter. I do not wish, Sir, to take up unduly more time of the House. Of course, one could go on talking and one might go on talking for 15 minutes on an Adjournment Motion but I think it will not be necessary for us to go to a division on this matter because

[Mr. P. N. Sapru.]

I am quite hopeful that His Excellency will make a satisfactory statement from our point of view. If His Excellency will make a satisfactory statement from our point of view I am quite sure that my friend the Honourable Mr. Mehrotra will withdraw his Adjournment Motion which, at the same time, will have served a useful purpose because it will have reassured Indian public opinion. Sir, the Indians in Abyssinia want their interests to be protected. The presence of the Indian contingent may help the Indian residents in Abyssinia. We are not objecting to the step that has been taken on this particular occasion.

Sir, there is one other matter on which I would like to be clear. I suppose the cost of this garrison in Abyssinia will be borne by the British taxpayer, and that is as it should be. Therefore there is no difference of opinion on that matter between us and the Government. Sir, with these words I would support very strongly the Adjournment Motion of the Honourable Mr. Mehrotra and I support this Motion in the full confidence and hope that His Excellency's statement will be of a reassuring character.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I rise with your permission to make a few observations. I do not think it is necessary to make any lengthy speech inasmuch as the Honourable mover has made it plain that his object in bringing this Motion before the House is not to censure the Government but only to emphasise the policy of the Government of India in these matters, that all that he wants is that the assurance that was given to the Central Legislature some time ago that, on all occasions when Indian troops would be sent out on operations which would be for purposes other than the defence of India, the Central Legislature would always be consulted whenever it would be possible. Sir, with a view to make this feasible the Honourable mover made a suggestion for the constitution of a standing committee. I am in perfect accord with this suggestion. I feel that it would provide the Government with a ready and easy method of consulting the views of the Indian Legislature before taking any such step. That is the general policy involved in this matter. So far as the present conduct of the Government is concerned, I feel that we cannot in the least find fault with the Government for their failure to consult the Legislature before they sent out that small contingent of troops. Sir, it is simply ridiculous to call an emergency session of the whole of the Central Legislature to consult them for the purpose merely of sending out this small battalion to Abyssinia. I am in agreement with the action which they have taken. At the same time, I feel that the action should have been more effective and that instead of sending out only a few soldiers, they should have sent out an army sufficiently large to afford adequate protection to Indian nationals abroad. I look at this matter from another point of view. To my mind, the defending of the rights of Indian nationals in foreign countries is a matter which concerns the defence of India. After all, Sir, the defence of India should not be construed merely as defence of the people within the borders of India only. I think we should give a more comprehensive meaning to this expression, extending it to Indian

* Not corrected by the Honourable Member.

nationals who are domiciled in foreign countries whose life is in danger by aggressive action on the part of any foreign power.

Again, Sir, India would be perfectly justified in doing everything she can to assist Abyssinia. Sir, a challenge has been thrown to all the coloured races stigmatising them as barbarians and denying them even the justice and right of people—

THE HONOURABLE THE PRESIDENT: The Motion is of a different character. We are not considering the merits of the Abyssinian question.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I will not dilate upon this, Sir. We are perfectly justified in sending assistance to the Legation in Abyssinia.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to support the Motion moved by my Honourable friend Rai Bahadur Lala Mathura Prasad Mehrotra. Before I discuss the Motion itself, I should like to be enlightened whether His Excellency the Commander-in-Chief is prepared to shoulder the responsibility which has been placed on his back by my Honourable colleague, Saiyed Mohamed Padshah? I think it is a very tall order to say that the defence of the hearth and home of Indians in foreign countries is a duty which falls on the shoulders of the Commander-in-Chief of India. It is not part of the defence of India. It is one of the primary duties of the Imperial Government to safeguard the nationals of all the members of the Commonwealth of British Nations, wherever they might be situated. We can never shoulder the responsibility for this—either military responsibility or financial responsibility. There is another point. Abyssinia is quite close to Aden. The British Government have an army in Aden at the present moment. Why was this not drawn upon and why was it thought necessary to draw on the Army in India, although we are at a great distance from Abyssinia? Strictly speaking, we cannot call the contingent sent an army, because the number of men who have been sent is so small that they have been really sent more as a guard than to be utilised in any hostilities or warfare. We thought it necessary to bring forward this Motion not so much as a censure on the present action of the Government but to safeguard our future interests. We are afraid that the demands of the British Government on Indian troops will be greater because of the creation of a separated Burma. Sir, it was very ably advocated at the Capitulation Tribunal by the advocates of India that the utility of the army does not consist in the moment they are utilised. They are in the nature of an insurance premium which one has to pay for a whole lifetime in order to reap the benefit at the end. Whenever troops are sent out of India it is said that the British Government are going to shoulder the burden. But what is the burden which they shoulder? It is only the day-to-day pay and allowances of the officers and men and their rations and the expenses of their going and coming. Do we get any payment for the pension charges of these men or the expenses for all the days that they have been trained and kept in readiness without being utilised? All these questions crop up when we consider the question of the utilisation of the Indian Army abroad. In the second place, Sir, it is the general policy of the British Government to regard India as a depot from which to draw for their needs in the Near East. It is for this reason that we have been constantly demanding that there should be

[Mr. Hossain Imam.]

a contribution from the Imperial Exchequer towards the expenditure of the Army in India. All these questions are involved. If the British Government want to utilise India as a depot, then they should pay for the expenses of the Army in India, not for the days that they are employed but continuously, and if they are not prepared to do this, we demand as a matter of justice and equity that not a single soldier of India should fight abroad without the sanction of their own nationals and their own representatives. It is a matter of right. We are prepared to fight for it every day as long as we are here. We will not be guiled by the fact that the army has not been utilised for 10 or 15 years. Our blood is more sacred than the money of the British Government and we are not prepared to make our men fight abroad for others.

With these words, Sir, I support the Motion.

THE HONOURABLE SIR BERTRAND GLANCY (Political Secretary): Sir, perhaps I may briefly state the facts in case any Honourable Member is not familiar with them. There has been for many years a small guard drawn from the Indian Army at the British Legation at Addis Ababa. The cost has been borne by His Majesty's Government. In view of recent developments it has been decided in consultation with His Majesty's Government that this guard should be reinforced in order to provide protection for Indians and other British subjects in Abyssinia. I mention Indians first because they are in a great majority. The latest information that I have received is that out of about 1,600 British subjects, some 1,100 are Indians.

The reinforcement which has now arrived at Addis Ababa consists of 148 men in all, four British officers, four Indian officers, 129 other ranks and 11 followers. The entire cost will be borne by His Majesty's Government.

As regards the question of establishing a standing committee or other machinery to decide whether troops should or should not on future occasions be sent out of India, I am afraid that that is outside my province.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I would ask leave to say a few words and correct two mistakes. One was Mr. Hossain Imam saying that troops should go from Aden. There are none there, only Air Force. But the mistake I should like to emphasise is that all the speakers so far have thrown on me the responsibility of answering a question like this. I should like to point out to the House, Sir, that soldiers as soldiers have nothing whatever to do with policy. All I have to do with regard to sending troops abroad, or sending them up to the frontier or anywhere else, is to implement the policy laid down to me by the Civil government. In this case, that was all I did. Another small error that I think was made by some of the speakers was that they apparently regard this instance of sending troops abroad as an instance of their being sent abroad for warlike purposes. They have been sent to Addis Ababa for nothing of the sort. They have been sent for purely protective purposes, and in spite of what some Honourable Members opposite said in regard to their own sympathies with one side or the other, I might point out that in certain eventualities in Abyssinia there might be great confusion and the shots they might have to fire, not in anger but in defence, might be against either side.

Might I say a word about the desire of the House—and it was also expressed forcibly in the other place—that there should be some form of standing committee to whom Government can refer and from whom they can get the political opinion of India at very short notice in regard to sending troops abroad. That again is a political question perhaps not in my province, but as I am a Member of the Governor General's Council, I might give you my views, if you will allow me, but purely as personal ones. I am sure that the Government of India, if they get a request properly put up to them, will consider the matter sympathetically. But before you put it up, you will have to be very certain of what you want. Is it possible to keep a committee of that sort constantly in session, and it would have to be very nearly constantly in session, because these warlike eventualities happen very quickly and decisions may have to be taken very quickly? It is not quite the same thing as a Standing Finance Committee, which is in session for a few weeks and disperses for a few months. You would have probably to select people who lived somewhere near Delhi, or who would be prepared to remain in session or be at short call for six months in the year near Simla. Could you find them? Do you think you could get both Houses to agree on the composition of an important committee like that, which would have to speak for all India? That is again a matter for you. I do not know whether you could do it or not. I think you would have to offer some very considerable remuneration to members of a committee like that. They would have to have the complete confidence of both Houses. People of that kind are generally very urgently engaged in their own affairs. That is all I should like to say, that I am quite certain the Government would consider that sort of a request with every desire to meet your wishes and the wishes of political India, provided that you put up an absolutely agreed proposal, concurred in by all parties in India.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): I would like to have some information from His Excellency. He has referred to the policy of employment of troops abroad. Supposing war breaks out and England is entangled in it, what will then be the position in regard to sending troops abroad?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Well, it is not very easy to answer that off-hand, but I cannot help thinking that the House will agree that, if any really serious entanglement is going to occur, we are bound to have considerable notice, what we call in military parlance, a period of warning, and it is impossible to imagine that the British Empire would be thrown into a great war at a moment's notice. But there may be many smaller occasions when you have to give a quick answer, such as in regard to the holding of the western gateway of India which is Aden, and such as a threat against your nearest oil supplies in the Persian Gulf. The loss of your supplies there suddenly might put you to great inconvenience, and the answer would have to be given very very quickly indeed; but normally there would be time to consult the Legislature—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Can we hold that in such a contingency arising Indian opinion, and particularly the opinion of the Indian Legislature, will be taken?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I can only say, Sir, that that undertaking was given last year and I can see no reason why it

[His Excellency the Commander-in-Chief.]

should ever not be so. If we had to go to war we would wish to go to war with India with us, not against us. (Applause.)

THE HONOURABLE THE PRESIDENT: Is the Honourable Member prepared to withdraw?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir, I beg leave of the House to withdraw.

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

The Council then adjourned till Eleven of the Clock on Wednesday, the 18th September, 1935.

COUNCIL OF STATE.

Wednesday, 18th September, 1935.

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 Nawab Bahadur Khwaja Habibullah of Dacca (Bengal : Nominated Non-Official).

QUESTIONS AND ANSWERS.

NUMBER OF FIRST DIVISION ASSISTANTS EMPLOYED IN M. G.-4. Section, MASTER GENERAL OF THE ORDNANCE BRANCH.

45. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government please state the number of first division assistants now employed in the Branch Establishment Section (M.G.-4) of the Master General of the Ordnance Branch, and whether one of such assistants is an ex-military technical clerk who prepares the officers' pay bills?

(b) Is there any order of the Army Department restricting the employment of first division assistants in a Branch Establishment Section of Army Headquarters to one? If so, has the Army Department order been ignored? If so, why?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Three. One is an ex-military technical clerk but he does not prepare the officers' pay bills.

(b) No, Sir.

APPOINTMENT OF AN EUROPEAN LADY AS "CHARGEMAN" IN THE RIFLE FACTORY, ICHHAPUR.

46. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Is it a fact that an European lady was appointed as a "chargeman" in the Rifle Factory at Ichhapur last year? If so, will Government please state the pay that was allowed to her and the technical qualifications that she possessed?

(b) Is it a fact that the above-mentioned lady was only employed as a typist although given the pay of a chargeman?

(c) Is it a fact that the posts of chargemen are classed as technical appointments? If so, why was a non-technical lady appointed to such post?

(d) Is it a fact that the lady was the wife of a foreman of the Rifle Factory? If so, was she appointed because she was the wife of an European foreman?

(e) Will Government be pleased to state on whose recommendation the lady in question was appointed and who was the appointing authority? Did the audit department raise any objection?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No, Sir.

(b) to (e). Do not arise.

NUMBER OF TECHNICAL MILITARY CLERKS IN THE MASTER GENERAL OF THE ORDNANCE BRANCH, ARMY HEADQUARTERS.

47. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) With reference to answer to starred question No. 620 asked in the Legislative Assembly on 27th February, 1935, is it a fact that non-technical Indian clerks of the Master General of the Ordnance Branch are capable of performing and do perform technical duties in that office for which technical military clerks imported from arsenals are attached to that Branch?

(b) Will Government please state (i) the number of technical military clerks serving in the Master General of the Ordnance Branch at Army Headquarters at the present moment, (ii) their military rank, and (iii) the rate of pay drawn by each of them including all allowances?

(c) Is it a fact that these technical military clerks of the Master General of the Ordnance Branch are employed only on racial grounds? If not, will Government be pleased to state the reasons for their employment?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No, nor can I see, Sir, that the answer referred to is liable to the interpretation placed on it by the Honourable Member.

(b) A statement is laid on the table.

(c) Certainly not, Sir.

Statement showing (i) the number of technical military clerks serving in the Master General of the Ordnance Branch on 10th September, 1935, (ii) their military rank, and (iii) the rate of pay drawn by each of them including all allowances referred to in part (b) of question No. 47.

Number.	Rank.	Rate of pay drawn per mensem including all allowances.	
		Rs.	A. P.
1	Conductor	627	9 0
2	"	587	9 0
3	Sub-Conductor	547	9 0
4	"	547	9 0
5	"	537	9 0
6	"	537	9 0
7	"	537	9 0
8	"	537	9 0
9	"	527	9 0
10	"	482	9 0
11	"	477	9 0
12	"	457	9 0
13	Staff Sergeant	437	3 0
14	"	426	14 0

NOTE.—Out of the above, ten technical clerks—Nos. 2 and 6 to 14—are temporarily attached to the Master General of the Ordnance Branch.

FEES CHARGEABLE FROM FAMILIES OF GOVERNMENT SERVANTS FOR RADIOGRAPHIC EXAMINATIONS.

48. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Is it a fact that there is a sub-assistant surgeon and an assistant surgeon for the free treatment of the staff of the Government of India?

(b) Is it a fact that these doctors have been made available for the treatment of the members of the families of the Government of India staff at half the ordinary fees for such doctors?

(c) Is it a fact that a full charge of Rs. 16 to Rs. 32 is made from members of the staff of the Government of India for different kinds of X-ray photographs of the members of their families taken on the advice of their medical officers to whose services such staff are entitled?

(d) Do Government propose to reduce these charges to half rates for the families of the staff of the Government of India on the analogy of the half rates fixed for doctors' fees?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) There are two assistant surgeons and one sub-assistant surgeon for the free treatment of those Government servants employed under the Government of India on the civil side who are not entitled to the services of a civil surgeon.

(b) A statement showing the fees that may be charged by these doctors for attendance on the families of Government servants is laid on the table.

(c) and (d). For radiographic examinations the same fees are charged from members of the families of Government servants as from other private persons. No fee is charged from a person whose income is less than Rs. 150 a month. Government do not consider it necessary to grant any further concession.

Statement in reply to part (b) of question No. 48.

Fees chargeable by assistant surgeons and sub-assistant surgeons in Simla and Delhi for attendance on the families of those Government servants who are entitled to their services:

Assistant surgeon—

Rs. 2 for a visit during the day and Rs. 4 for a night visit.

Sub-assistant surgeon—

Re. 1 for a visit during the day and Rs. 2 for a night visit.

NOTE.—Government servants residing outside the municipal limits in Simla are liable to pay double the ordinary rates for attendance on their families.

PROTECTION TO THE GLASS INDUSTRY.

49. THE HONOURABLE MR. P. N. SAPRU: (a) Has it been represented to Government that there is grave dissatisfaction in Indian commercial circles with the refusal of Government to grant protection to the glass industry?

(b) Is it a fact that the Shri Shakti Alchahali works in Dhrangadhra State at one time used to produce soda ash to an extent far above the requirements of the whole glass industry in India?

(c) Was the recommendation of the Tariff Board for protection based upon the calculation that this or some similar concern would be started for the manufacture of soda ash if protection to the glass industry was given?

(d) Is it true that the relief offered by Government by way of rebate on imported soda ash amounts to not more than 3 to 3½ per cent. on the value of the finished article?

THE HONOURABLE MR. T. A. STEWART: (a) Government have received representations to this effect.

(b) The Honourable Member refers presumably to the Shri Shakti Alkali Works in the Dhrangadhra State. If so, the answer is in the negative.

(c) The Honourable Member's attention is directed to paragraphs 38—42 of the Tariff Board's Report on the Glass Industry.

(d) From paragraph 40 of that report it may be gathered that the rebate of duty on soda ash represents from 2 per cent. to 5 per cent. of the total cost of production.

FOREIGN INSURANCE COMPANIES OPERATING IN INDIA.

50. THE HONOURABLE MR. P. N. SAPRU: (a) Will Government be pleased to state the number of foreign insurance companies operating in India?

(b) What is the total amount of business transacted by them?

(c) Are they required to take any license for their operations or to deposit any amount with Government or to invest any portion of their assets in order to give security to the policy holders of the insurance companies in India against any eventuality? If not, why not?

THE HONOURABLE MR. T. A. STEWART: (a) Forty-seven.

(b) The premium income for 1933 in respect of life assurance business amounted to Rs. 5 lakhs and in respect of insurance business other than life assurance to Rs. 21,24,000.

(c) Foreign life assurance companies, except those carrying on life assurance business in the United Kingdom, are required to make a deposit with Government, but those carrying on insurance business other than life assurance business are not required to make any deposit; nor are any of these companies required to take out a license or to invest any portion of their assets in India, as there is no provision to that effect in the existing insurance law of this country.

THE HONOURABLE MR. P. N. SAPRU: Is the Government going to revise insurance law in that direction?

THE HONOURABLE MR. T. A. STEWART: If I may, I shall reply in answering the next question.

AMENDMENT OF INSURANCE LAW IN INDIA.

51. THE HONOURABLE MR. P. N. SAPRU: (a) Has it been represented to Government that in Indian commercial circles much dissatisfaction is prevailing with the policy of Government in regard to Insurance Companies?

(b) Do they propose to appoint a committee to consider the question of amendment of Insurance Law in all its aspects?

THE HONOURABLE MR. T. A. STEWART: (a) No.

(b) Government will consider what their further procedure should be after the receipt of the report of the special officer appointed to examine the desirability of amending the insurance law in India, who is expected to make his report in October next. They will certainly consider the suggestion made by the Honourable Member.

TOTAL CONTRIBUTION OF INDIA TO THE LEAGUE OF NATIONS.

52. THE HONOURABLE MR. P. N. SAPRU: (a) What is the total contribution of India to the League of Nations?

(b) What is the total number of Indians in the Secretariat of the League of Nations?

(c) Has Government taken any steps to have the number of Indians in the League of Nations' Secretariat increased?

THE HONOURABLE MR. G. H. SPENCE: With your permission, Sir, I will answer questions Nos. 52 and 57 together.

(a) in No. 52. The total contribution payable by India for 1935 is one million six hundred and sixty-six thousand two hundred and five decimal nought five Swiss Francs.

(b) in No. 52 and (a) in No. 57. There were till recently four Indians permanently employed in the Secretariat of the League of Nations and three in the International Labour Office. A recent death has temporarily reduced the number employed in the Secretariat from four to three but it is understood that the deceased's place will be filled by the appointment of another Indian.

(c) in No. 52 and (b) in No. 57. Appointments in the League Secretariat being normally for terms of 7, 21 and 23 years, and appointments under the International Labour Office being normally for terms of 21 and 23 years with an age limit of 60, the Honourable Member will understand that the possibility of effective action in this matter is extremely limited. I may, however, mention that certain informal representations on the subject have recently been addressed to the Secretary General and have elicited a sympathetic reply. I take the opportunity of laying on the table a statement showing the number of officers employed in the League Secretariat and the International Labour Office on a minimum salary of not less than 12,000 Swiss Francs per annum, classified according to their nationality, from which the Honourable Member will observe that, leaving out of account Great Britain, France, Italy and Switzerland, the scale of whose representation is necessarily influenced by geographical and linguistic considerations, the number of Indian employees compares by no means unfavourably with the number of nationals of other State Members.

Statement showing the number of officers employed in the League Secretariat and in the International Labour Office whose minimum salary is not less than 12,000 Swiss Francs per annum.

Nationality.	Secre- tariat.	Remarks.	I.L.O.	Remarks.	Total (ex- clusive of interpre- ters, trans- lators, etc.)
British	47	21 interpreters, translators, etc.	39	14 interpreters, translators, etc.	51
French	31	16 " "	41	7 " "	49
Russia	..		1	1 " "	..
Germany	6		11	6 " "	11
Italy	13		8	2 " "	19
India	3		3		6
China	2		..		2
Spain	3		2	1 " "	4
Canada	3		3	1 " "	5
Poland	6		2	1 " "	7
Argentina	..		..		..
Czechoslovakia ..	4		1		5
Australia	3		1		4
Holland	5		3		8
Roumania	1		1		2
Belgium	5		3	1 " "	7
Sweden	3		2		5
Switzerland	10	1 " "	19	7 " "	21
South Africa	1		1	1 " "	1
Japan	4		3	1 " "	6
Mexico	..		..		..
Denmark	3		2		5
Finland	1		1		2

Nationality.	Secre- tariat.	Remarks.	I. L. O.	Remarks.	Total (ex- clusive of interpre- ters, trans- lators, etc.)
Ireland	1		3		4
New Zealand	2		1		3
Turkey	1		..		1
Chile	1		..		1
Norway	3	Interpreters and translators.	1	Interpreters and translators.	4
Peru	..		..		..
Hungary	2		2	1 " "	3
Austria	4		2		6
Greece	2		..		2
Siam	1		..		1
Portugal	..		1	1 " "	..
Cuba	..		..		..
Bulgaria	1		1	1 " "	1
Persia	1		1		2
Colombia	..		..		..
Uruguay	2		..		2
Venezuela	1		..		1
Lithuania	1		1		2
Bolivia	..		..		..
Latvia	1		..		1
Estonia	1		..		1
Iraq	..		..		..
Abyssinia	..		..		..
Afghanistan	..		..		..
Albania	1		..		1

Nationality.	Secretariat.	Remarks.	I.L.O.	Remarks.	Total (exclusive of interpreters, translators, etc.)
Dominican Republic	..		..		..
Guatemala	..		..		..
Haiti ..	..		..		..
Honduras	..		..		..
Salvador	..		..		..
Liberia ..	..		..		..
Luxemburg	2		1		3
Nicaragua	..		..		..
Panama ..	1		..		1
Paraguay ..	..		..		..
America ..	5		..		5

RESTRICTIONS IMPOSED BY CERTAIN COUNTRIES ON IMPORTS FROM INDIA.

53. THE HONOURABLE MR. P. N. SAPRU: Is it a fact that certain continental countries such as Germany, France and Italy as also Japan have imposed certain restrictions on Indian imports?

THE HONOURABLE MR. T. A. STEWART: Certain European countries have imposed restrictions on imports which apply to India equally with other countries. As regards Japan, imports of rice into that country have, for some years, been prohibited except under licence.

SCHEME FOR THE REGULATION OF INDIA'S EXPORTS AND IMPORTS.

54. THE HONOURABLE MR. P. N. SAPRU: Have Government taken note of a strong feeling in commercial circles that Government should devise a scheme for the regulation of imports and exports of India to those countries which have adopted restrictive measures against Indian exports?

THE HONOURABLE MR. T. A. STEWART: Representations have been received from two commercial bodies putting forward for the consideration of Government the desirability of instituting a system of licensing of imports and exports in order to prevent the diversion of trade from its established channels. I may again point out for the Honourable Member's information that the restrictive measures in question apply to India as well as to other countries.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Government consider the desirability of instituting such a system?

THE HONOURABLE MR. T. A. STEWART: I do not quite understand the Honourable Member's question. The suggestion that such a system of licensing should be instituted originates from Indian commercial opinion.

INDO-BURMA FINANCIAL RELATIONSHIPS TRIBUNAL.

55. THE HONOURABLE MR. P. N. SAPRU: (a) Why were no Indians or Burmans appointed to the Tribunal constituted to consider the question of Indo-Burman financial relationships?

(b) Is it a fact that the Tribunal examined only the representatives of the two Governments and gave no chance to other parties concerned in the issues involved to present their case?

THE HONOURABLE MR. P. C. TALLENTS: (a) It was always contemplated that the Tribunal should be impartial and not representative.

(b) No individuals were directly concerned in the issues and the two Governments must be presumed to have presented their cases with full regard to the views which had been expressed by their Standing Finance Committees.

THE HONOURABLE MR. P. N. SAPRU: Would the appointment of Indians by the Government have made the Commission a non-impartial one?

THE HONOURABLE MR. P. C. TALLENTS: It would have made it representative, Sir.

THE HONOURABLE MR. P. N. SAPRU: Would it have made it a non-impartial one in that case?

THE HONOURABLE MR. P. C. TALLENTS: Sir, they would necessarily have represented the interests of the country which they represent.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Government give us a day to discuss the decision of the Tribunal in this House as they are doing in the other place?

THE HONOURABLE THE PRESIDENT: That is a different matter which does not arise out of the question.

REVISION OF THE RESERVE BANK OF INDIA (NOTE REFUND) RULES.

56. THE HONOURABLE MR. P. N. SAPRU: Has Government received any communication from the Federation of Indian Chambers of Commerce in regard to revision of the Reserve Bank rules in connection with the refund of currency notes?

THE HONOURABLE MR. P. C. TALLENTS: Government do not appear to have received any communication from the Federation on the subject of the Reserve Bank of India (Note Refund) Rules.

NUMBER OF INDIANS ON THE STAFF OF THE INTERNATIONAL LABOUR OFFICE.

57. THE HONOURABLE MR. P. N. SAPRU: (a) Will Government be pleased to state the number of Indians on the staff of the International Labour Organisation?

(b) Are Government taking any steps to have that representation increased?

(See reply to question No. 52.)

INCREASED REPRESENTATION OF INDIANS ON PORT TRUSTS.

58. THE HONOURABLE MR. P. N. SAPRU: Do Government propose to take any steps to increase the Indian representation on the Boards of Port Trusts in various parts of the country, particularly in Bombay?

THE HONOURABLE MR. T. A. STEWART: It is the policy of Government to give due representation to all interests, whether Indian or non-Indian, concerned in the welfare of the ports. The Bombay Port Trust Act was amended in 1922 in order to give wider representation to Indian business interests, and Government do not think that since that date there has been any change which makes a further adjustment necessary.

THE HONOURABLE MR. P. N. SAPRU: Will the Honourable Member explain what the word "due" means?

THE HONOURABLE THE PRESIDENT: I think the import is clear in the English language and I will not allow the question.

REVISION OF THE INDIAN COMPANIES ACT.

59. THE HONOURABLE MR. P. N. SAPRU: (a) Has Government received the report of the special officer appointed to consider the revision of the Indian Companies Act?

(b) Do Government propose to appoint a committee to consider this report and any other suggestions for the improvement of the Companies Act?

THE HONOURABLE MR. T. A. STEWART: (a) Yes.

(b) Government have not yet decided whether the appointment of a committee will be necessary.

SILVER REDEMPTION FUND.

60. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly state the date on which the Silver Redemption Fund was created, and the form in which it is held? Has any monthly or quarterly account been published in the Gazette of India? If not, why not?

THE HONOURABLE MR. P. C. TALLENTS: The fund was created on the 1st April, 1935 with the full amount of Rs. 10 crores which is held in sterling securities. The transactions of the fund will be included in the Finance and Revenue Accounts of the Government of India. The Government of India do not consider it desirable to publish them at more frequent intervals.

THE HONOURABLE MR. HOSSAIN IMAM: May we know, Sir, why the Gold Standard Reserve Account could be published every quarter in the Gazette of India and why the other can not be so published?

THE HONOURABLE MR. P. C. TALLENTS: Sir, that does not seem to me to follow at all. Government may have thought fit to publish the figures about the Gold Standard Reserve. This fund is for quite a different purpose.

CAPITATION CHARGES.

61. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table the papers referred to in my question No. 55, part (c), of the 27th February, 1935, regarding capitation charges?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The detailed calculation to which the Honourable Member refers cover 214 pages of print, and it is not considered that any useful purpose would be served by having them incorporated in the proceedings of the House. If, however, the Honourable Member is desirous of seeing them, I shall be happy to show him a copy for his private information.

PROPORTION FIXED FOR MUSLIMS AND OTHER MINORITY COMMUNITIES IN CERTAIN DEPARTMENTS.

62. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table further information with reference to my question No. 101 of the 29th March, 1935, regarding the proportion fixed for Muslims and other minorities in each province in certain departments?

THE HONOURABLE MR. T. SLOAN: I lay on the table two statements showing the schemes approved in respect of the Income-tax, Customs and Salt Departments. The scheme regarding the Posts and Telegraphs Department is still under consideration.

As regards Excise, the department is under the administrative control of the Local Governments, and no scheme is being prepared by the Government of India.

Scheme for securing communal representation in the Income-tax Offices.

Province.	Total number of posts.	Percentage fixed for Muslims.	Number of posts for Muslims on basis of column 3.	Percentage fixed for other minority communities.	Number of posts for "other minority communities" on basis of column 5.
1	2	3	4	5	6
1. Madras ..	366	8½	30.50	8½	30.50
2. Bombay and Sind	723	16½	120.50	8½	60.25
3. Bengal ..	507	41½	211.25	8½	42.25
4. United Provinces	238	16½	39.67	8½	19.83
5. Punjab, N.-W. F. Province and Delhi.	297	50	148.50	10	29.70
6. Bihar and Orissa	124	16½	20.67	8½	10.33
7. Central Provinces	108	8½	9.00	4½	4.50
8. Assam ..	50	33½	16.67	8½	4.17
Total ..	2,413	25 per cent. Approximate.	596.76	8.35	201.53

Scheme for securing communal representation in the Customs and Salt Departments.

Area.	Percentage fixed for Muslims.	Percentage fixed for "other minority" communities including Anglo-Indians.	Percentage fixed for Anglo-Indians.	Percentage fixed for "other minority communities" excluding Anglo-Indians.
MADRAS.				
Chief Port (Customs) ..	16½	8½	..	..
Salt, Land Customs and Outports—				
Non-clerical ..	16½	..	18½	6½
Clerical ..	16½	8½	..	..
BOMBAY.				
Chief Port (Customs) ..	16½	8½	..	..
Salt, Land Customs and Outports—				
Non-clerical ..	16½	..	18½	6½
Clerical ..	16½	8½	..	..
BENGAL.				
(Customs) ..	41½	8½	..	..
NORTHERN INDIA				
SALT REVENUE.				
Non-clerical ..	50	..	6½	6½
Clerical ..	50	8½	..	..
SIND.				
(Customs) ..	50	8½	..	..

SUPPLY OF RAILS AND FISHPLATES FROM THE TATA IRON AND STEEL CO., LTD.

63. THE HONOURABLE MR. HOSSAIN IMAM: Will Government please state the price fixed by the Railway Board and the period for which it has been fixed for different categories of steel rails to be bought from Tatas?

THE HONOURABLE SIR MAURICE BRAYSHAY: A statement showing the agreed prices for rails which will be included in the contract to be made with the Tata Iron and Steel Co., Ltd., for supply of rails and fishplates during the six years beginning from 1st April, 1935, is laid on the table.

Statement showing the agreed prices to be included in the contract to be made with the Tata Iron and Steel Co., Ltd., for supply of rails and fishplates during the six years beginning from 1st April, 1935.

The rates for rails, f.o.r., Tatanagar, are as follows:—

	Rs.	a.	p.
	Per ton.		
(a) Ordinary carbon rails and medium manganese rails up to 42' in length	95	0	0
(NOTE.—10 per cent. short length rails down to 27' will be accepted. "Shorts" should, however, be cut in multiples of 3).			
(b) Rails exceeding 42' but not exceeding 45' in length	97	8	0
(c) Chrome steel or high manganese rails (over 1·4 per cent. manganese)	120	0	0
(d) 115 lb. section rails	103	8	0
(e) Specially cut short lengths below 27'	105	0	0

The rates for rails and fishplates would be increased by the amount of any excise duty that may be levied from time to time.

NUMBER OF EUROPEANS, ANGLO-INDIANS AND INDIANS IN THE VARIOUS PORT TRUSTS ON POSTS CARRYING AN INITIAL SALARY OF RS. 500 AND UPWARDS.

64. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state the number of Europeans, Indians and Anglo-Indians in the different Port Trusts on 1st April, 1935, in posts carrying an initial salary of Rs. 500 and upwards?

THE HONOURABLE MR. T. A. STEWART: A statement containing the information is laid on the table.

Statement showing the number of Europeans, Indians and Anglo-Indians in the various Port Trusts holding appointments carrying an initial salary of Rs. 500 and upwards as on the 31st March, 1935 (in the case of Aden up to the 31st December, 1934).

Port Trust.	Europeans.	Indians.	Anglo-Indians.
1. Madras	12	1	..
2. Calcutta	85	7	13
3. Bombay	68	15	9
4. Karachi	17	3	1
5. Chittagong	7	..	..
6. Rangoon	58	..	4
7. Aden	10	..	..

NUMBER OF EUROPEAN AND INDIAN TRUSTEES IN THE VARIOUS PORT TRUSTS.

65. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to give the number of European and Indian Trustees in the different Port Trusts on 1st April, 1932 and on 1st April, 1935?

THE HONOURABLE MR. T. A. STEWART: The information is being collected and will be supplied to the Honourable Member in due course.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask, Sir, that the statement be laid on the table of the House?

THE HONOURABLE MR. T. A. STEWART: I shall make a note of that.

NUMBER OF EUROPEAN AND INDIAN PILOTS IN THE VARIOUS PORT TRUSTS.

66. THE HONOURABLE SIR PHIROZE SETHNA: What was the number of European and Indian pilots on 1st April, 1935 in the different Port Trusts?

THE HONOURABLE MR. T. A. STEWART: The information asked for is being obtained and will be supplied to the Honourable Member in due course.

RECOMMENDATION OF THE CENTRAL BANKING ENQUIRY COMMITTEE FOR A BANKING ACT.

67. THE HONOURABLE SIR PHIROZE SETHNA: Will Government state (a) whether a definite proposal was put forward in both the majority and minority reports of the Central Banking Enquiry Committee for a Banking Act?

(b) Whether such an Act has long since been urged by the public in general and the commercial community in particular?

(c) What are the difficulties, if any, in the way of such a Banking Act being enacted and placed on the Statute-book?

(d) Do Government propose to take early steps to place a Banking Bill before the Legislature?

THE HONOURABLE MR. P. C. TALLENTS: (a) and (b). Yes.

(c) and (d). The matter has already been considered by the officer on special duty appointed to consider the report on the amendments necessary in the Indian Companies Act. His report is under the consideration of Government. Sections on Banking Law will be part of the Company Law. The delay is due to the largeness of the subject and the conflicting nature of the various opinions received. Government, however, expect to introduce legislation next year.

RECOMMENDATION OF THE CENTRAL BANKING ENQUIRY COMMITTEE FOR THE CREATION OF SPECIAL INSTITUTIONS FOR THE FINANCING OF AGRICULTURE AND INDUSTRY.

68. THE HONOURABLE SIR PHIROZE SETHNA. Will Government state what action has been taken to create special institutions for the financing of agriculture and industry as recommended in the Report of the Central Banking Enquiry Committee?

THE HONOURABLE MR. P. C. TALLENTS: The Honourable Member does not specify to which of the many recommendations made by the Indian Central Banking Enquiry Committee he refers. Broadly speaking, the Committee recommended the establishment of land mortgage banks, the extension of the co-operative movement to help agriculture and small industries, and the enactment of legislation designed to finance small industries. These recommendations fall within the provincial rather than the central sphere and legislation has been undertaken in many provinces in pursuance of the report. By the establishment of the Reserve Bank the Central Government hope that these activities will be co-ordinated as far as possible. I may remind the Honourable Member of the fact that out of the Rs. 113 lakhs provided out of last year's surplus for village improvement, Rs. 15 lakhs have been earmarked for the benefit of the co-operative movement. I would also invite the Honourable Member's attention to the statement showing the action taken on the recommendations of the Committee which was laid on the table of the House on the 30th September, 1932.

TERMS AND CONDITIONS ON WHICH INDIGENOUS BANKERS AND SHROFFS MIGHT BE INCLUDED IN THE SCHEDULED LIST OF THE RESERVE BANK OF INDIA.

69. THE HONOURABLE SIR PHIROZE SETHNA: Will Government state (a) whether any responsibility was put on the Reserve Bank Board to report as early as possible after the establishment of the Bank, the terms and conditions on which indigenous bankers and shroffs might be included in the Scheduled List of the Reserve Bank?

(b) Whether such a report has been submitted by the Reserve Bank, and, if not, when do Government expect such a report?

THE HONOURABLE MR. P. C. TALLENTS: (a) and (b). The Honourable Member is referred to clause (a) of sub-section (I) of section 55 of the Reserve Bank of India Act, 1934. The Bank's report has not yet been received, and Government have as yet no information as to when it will be received.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

70. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to lay on the table a statement showing which of the recommendations of the Linlithgow Indian Agricultural Commission Report have been given effect to till now, and the reasons why the other recommendations have not yet been carried out?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government issue periodical reports showing the progress made in giving effect to the recommendations of the Royal Commission on Agriculture. Four such reports, copies of which are available in the Library of the House, have so far been issued. They show the action taken up to the end of 1933. The reports for 1934 and 1935 will be issued next year. The Commission's recommendations were numerous and the majority of them concerned Local Governments. It is, therefore, not possible completely to supply the information asked for in the latter part of the question without an enquiry from each province, which would entail undue labour. As regards recommendations requiring action by the Government of India, the information will be found in the reports to which I have referred.

DATE OF PROVINCIAL ELECTIONS UNDER THE NEW CONSTITUTION.

71. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state whether they are in a position to indicate the probable year and month in which elections to the Provincial Legislatures under the New Constitution will be held?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government cannot at this stage commit themselves to any statement as to the probable date of holding provincial elections under the New Constitution. The matter depends largely upon the course and duration of the electoral preparations which cannot at present be forecasted with accuracy.

12, 32 'N35
N35.2

PROTECTION OF INDIANS IN ABYSSINIA.

72. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state what measures have been taken for the protection of Indian residents in Abyssinia in the event of war between Italy and that country?

THE HONOURABLE SIR BERTRAND GLANCY: I have nothing to add to the statement which I made in this House yesterday.

CONSTRUCTION OF A RAILWAY LINE CONNECTING MANMAD WITH DHULIA via MALEGAON.

73. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state whether they have received any representation from the people of Malegaon in the district of Nasik requesting the construction of a branch railway connecting Manmad with Dhulia via Malegaon, and, if so, what action has been taken thereon?

THE HONOURABLE SIR MAURICE BRAYSHAY: The Government of India have not received any such representation. The financial prospects are unsatisfactory.

NEWSPAPERS AND PRESSES FROM WHICH SECURITY HAS BEEN DEMANDED DURING THE LAST THREE YEARS.

74. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to lay on the table a statement showing the names of the presses and the newspapers from which security has been demanded during the last three years in each of the provinces?

THE HONOURABLE MR. T. SLOAN: I lay on the table a statement which gives the information desired for the period from October, 1931 to the 31st December, 1934.

Statement showing the names of newspapers and presses from which security has been demanded under the Indian Press (Emergency Powers) Act, 1931, for the period from October, 1931 to the 31st December, 1934.

Serial No.	Name of newspaper/press from which security was demanded, with date of demand.
------------	--

MADRAS.

- | | |
|---|--|
| 1 | Adivara Patrika, Madras, 24th November, 1932. |
| 2 | Citizen of India, Madras, 25th January, 1933. |
| 3 | Daridra Narayana, Gudivada, 22nd January, 1932. |
| 4 | Dharma Rakshani, Bezwada, 18th January, 1932. |
| 5 | Gandhi, Madras (bi-weekly), 22nd January, 1932. |
| 6 | Gandhi, Madras (tri-weekly), 14th September, 1932. |
| 7 | Gandhi, Madras (daily), (i) 6th December, 1933 and (ii) 19th December, 1933. |
| 8 | Gnanathoothan, Tuticorin, 18th May, 1933. |

Serial No.	Name of newspaper/press from which security was demanded, with date of demand.
------------	--

MADRAS—contd.

- | | |
|----|--|
| 9 | Ilan Tamilan, Tuticorin, 6th January, 1934. |
| 10 | India, Madras, 22nd January, 1932. |
| 11 | Indian Express, Madras, (i) 4th November, 1932, (ii) 2nd May, 1933 and (iii) 5th May, 1934. |
| 12 | Janavani, Madras, 11th December, 1933. |
| 13 | Janmabhumi, Madras, 3rd May, 1933. |
| 14 | Jaya Bharathi, Madras, (i) 24th April, 1933 and (ii) 4th May, 1933. |
| 15 | Karnataka Kesari, Bellary, 4th February, 1932. |
| 16 | Khaddar, Madura, 16th March, 1932. |
| 17 | Korada, Madras, 11th January, 1934. |
| 18 | Kudi Arasu, Erode, 6th November, 1933. |
| 19 | Labour Herald, Madras, 1st September, 1933. |
| 20 | Manikkodi, Madras, 7th September, 1933. |
| 21 | Mathrubhumi, Calicut, 17th October, 1932. |
| 22 | Mooladhanam, Tanjore, 19th December, 1934. |
| 23 | Oplian Karaikudi, 27th January, 1933. |
| 24 | Puratchi, Erode, 17th June, 1934. |
| 25 | Quami Report, Madras, 5th October, 1933. |
| 26 | Rajakula Dipikai, 29th February, 1932. |
| 27 | Samadharman, Jalarpet, 19th December, 1934. |
| 28 | Satyagrahi, Ellore, 27th January, 1932. |
| 29 | Science, Madras, 6th December, 1934. |
| 30 | Sunday Herald, 24th November, 1932. |
| 31 | Sunday News, Bezwada, 22nd April, 1933. |
| 32 | Sutandira Sangu, Madras, (i) 22nd January, 1932, (ii) 14th March, 1932, (iii) 29th April, 1932 and (iv) 31st May, 1934. |
| 33 | Swarajyam, Madras, 29th April, 1932. |
| 34 | Swastika, Madras, 17th January, 1933. |
| 35 | Thennindia, Madras, 9th September, 1932. |
| 36 | Vasanta Vikatan, Madura, 6th December, 1933. |
| 37 | Vedi Gundu, Madura, (i) 29th March, 1933 and (ii) 15th November, 1933. |
| 38 | Yuva Deepam Guruvayur, Malabar district, 17th August, 1933. |
| 39 | Kathaikadal, Madras, 21st August, 1934. |
| .. | Liberty, Madras, (i) (English), 11th September, 1934, (ii) (Tamil), 11th September, 1934 and (iii) (Telugu), 11th September, 1934. |
| 40 | Chitrasala Press, Madura, 3rd May, 1934. |
| 41 | Cocanada Printing Works, Cocanada, 4th April, 1934. |
| 42 | Current Thought Press, Madras, 22nd January, 1932. |
| 43 | Federated Press, Madras, 24th November, 1932. |

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

MADRAS—*concl'd.*

- 44 Indian Express Press, Madras, 2nd May, 1933.
- 45 Janamitrani Press, Madras, 16th August, 1934.
- 46 Janavani Press, Madras, 11th December, 1933.
- 47 Jayabharathi Press, Madras, 4th May, 1933.
- 48 Lakshmi Press, Bellary, 13th February, 1933.
- 49 Lunar Printing Press, Madras, 3rd May, 1933.
- 50 Mathrubhumi Press, Madras, 17th October, 1932.
- 51 Nadar Press, Madura, 15th November, 1933.
- 52 Nehru Printing Press, Madras, 22nd January, 1932.
- 53 Oollian Press, Karaikudi, 27th January, 1933.
- 54 Railway Labourers Press, Trichinopoly, 21st/28th November, 1932.
- 55 Raja Press, Madura, 6th May, 1932.
- 56 Raju Press, Saidapat, 29th February, 1932.
- 57 Rational Press, Madras, 12th April, 1934.
- 58 Satyagrahi Press, Ellore, 27th January, 1932.
- 59 Sri Ram Press, Madura, 11th December, 1933.
- 60 Sri Vidyaranya Press, Bellary, 4th March, 1932.
- 61 Sutandira Sangu Press, Madras, (i) 14th March, 1932, (ii) 4th October, 1933 and (iii) 31st May, 1934.
- 62 Syamala Art Press, Tanuku, 27th March, 1934.
- 63 Unmaivilakkam Press, Erode, 6th November, 1933.
- 64 Vani Press, Bezwada, 22nd April, 1933.

BOMBAY.

- 65 Hutatma Shraddhanand, Bombay, 15th November, 1931.
- 66 The Samrat Vaibhav Press, Bombay, 28th November, 1931.
- 67 Bhil Kshtriya, Broach, 19th December, 1931.
- 68 Mehsana Prant Patrika, Ahmedabad, 23rd December, 1931.
- 69 Cinema Rangbhumi, Bombay, 23rd December, 1931.
- 70 Gujarat Samachar, Ahmedabad, 4th January, 1932.
- 71 Hubli Printing Works, Hubli (Dharwar), (i) 12th December, 1932 and (ii) 8th March, 1932.
- 72 Mahi Kantha Vartaman, Ahmedabad, (i) 16th January, 1932 and (ii) 11th March, 1932.
- 73 Veer, Broach, 23rd January, 1932.
- 74 Hindvasi, Hyderabad, (i) 2nd February, 1932 and (ii) 19th July, 1932.
- 75 Mahratta, Poona, (i) 4th February, 1932, (ii) 1st August 1932, (iii) 12th December, 1932, (iv) 18th August, 1933 and (v) 8th February, 1934.
- 76 Free Press Journal, Bombay, (i) 8th February, 1932, (ii) 19th February, 1932 and (iii) 14th June, 1932.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BOMBAY—*cont'd.*

- 77 Free Press Bulletin Press, Bombay, (i) 8th February, 1932, (ii) 19th February, 1932 and (iii) 14th June, 1932.
- 78 Navjivan, Ahmedabad, 11th February, 1932.
- 79 Navjivan Press, Ahmedabad, 11th February, 1932.
- 80 Pragati, Bombay, 12th February, 1932.
- 81 Karnatak Printing Press, Bombay, 12th February, 1932.
- 82 Hindu, Hyderabad, 15th February, 1932.
- 83 Kesari Press, Poona, 18th February, 1932.
- 84 Week, Bombay, 20th February, 1932.
- 85 Maratha Printing Press, Bombay, (i) 20th February, 1932, (ii) 3rd March, 1932 and (iii) 12th March, 1932.
- 86 Bhavya Bharat and Rajasthan, Ahmedabad, 22nd February, 1932.
- 87 Kaliyuga, Bombay, 24th February, 1932.
- 88 Kaliyuga Printing Press, Bombay, 24th February, 1932.
- 89 Sind Herald, Karachi, 26th February, 1932.
- 90 Raja Printing Works, Karachi, 26th February, 1932.
- 91 Samyukta Karnatak, Belgaum, (i) 4th March, 1932, (ii) 22nd February, 1933, (iii) 20th March, 1933, and (iv) 13th February, 1934.
- 92 Bhuvaneshwari Printing Press, Belgaum, (i) 4th March, 1932, (ii) 13th April, 1932 and (iii) 13th February, 1934.
- 93 Indian Daily Mail, Bombay, (i) 11th March, 1932.
- 94 Indian Daily Mail, (i) 11th March, 1932 and (ii) 29th March, 1932.
- 95 Vartaman, Bombay, 11th March, 1932.
- 96 Rajhansa, Dharwar, 14th March, 1932.
- 97 Kanakaditya Printing Press, Dharwar, 14th March, 1932.
- 98 Dil Bahar, Bombay, 17th March, 1932.
- 99 Tej, Bombay, 19th March, 1932.
- 100 Vijaya Danka.
- 101 Chitramaya Jagat, Poona, 19th March, 1932.
- 102 Chitrashala Press, Poona, 19th May, 1932.
- 103 Swatantrya, Nasik, 30th March, 1932.
- 104 Muslim Rajsthan, Bombay, 29th April, 1932.
- 105 Muslim, Ranpur (Ahmedabad), 30th April, 1932.
- 106 Saurashtra Mitra Press, Ranpur (Ahmedabad), 30th April, 1932.
- 107 Navayuga, Hyderabad, 30th April, 1932.
- 108 Navayuga Printing Press, Hyderabad, 30th April, 1932.
- 109 Shakti Job Printing Press, Hyderabad, 3rd May, 1932.
- 110 Bene Israel Star, Bombay, 19th May, 1932.
- 111 Majoor Mudranalaya, Ahmedabad, (i) 20th May, 1932 and (ii) 23rd December 1932.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BOMBAY—*contd.*

- 112 Bombay Chronicle, Bombay, 21st May, 1932.
- 113 Bombay Chronicle Printing Press, Bombay, 21st May, 1932.
- 114 Nav Bharat, Bombay, 11th August, 1932.
- 115 Nav Bharat Printing Press, Bombay, 11th August, 1932.
- 116 Jay Swadeshi, Ahmedabad, 5th September, 1932.
- 117 Jay Swadeshi Printing Press, Ahmedabad, 5th September, 1932.
- 118 Balwant, Ratnagiri, 22nd September, 1932.
- 119 Balwant Printing Press, Ratnagiri, 22nd September, 1932.
- 120 Swaraj, Hyderabad, 1st October, 1932.
- 121 Kumar, Ahmedabad, 25th October, 1932.
- 122 Kumar Printing Press, Ahmedabad, 13th October, 1932.
- 123 Prija, Hyderabad, 24th October, 1932.
- 124 Hira Printing Press, Hyderabad, 24th October, 1932.
- 125 Veer Rajashtan, Bombay, 22nd November, 1932.
- 126 Sansar Samachar, Karachi, 24th November, 1932.
- 127 New Bharat Printing Press, Bombay, 28th November, 1932.
- 128 Vasant Printing Press, Ahmedabad, 30th November, 1932.
- 129 Morning Post of India, Karachi, 19th December, 1932.
- 130 Majur Sandesh, Ahmedabad, 23rd December, 1932.
- 131 Hindu Jati, Karachi, 11th January, 1933.
- 132 Hindu Printing Press, Karachi, 11th January, 1933.
- 133 Muslim, Ranpur, Ahmedabad, 16th January, 1933.
- 134 Saurashtra Mitra Press, Ranpur, Ahmedabad, 16th January, 1933.
- 135 Loka Dharma, Kaira, 26th January, 1933.
- 136 Sudarshan, Ahmedabad, 9th February, 1933.
- 137 Surya Prakash Printing Press, Ahmedabad, 9th February, 1933.
- 138 Phoenix Printing Press, Ahmedabad, 16th February, 1933.
- 139 K. N. Sailor Press, Bombay, 28th February, 1933.
- 140 Partap, Hyderabad, (i) 16th March, 1933, (ii) 13th April, 1933, (iii) 4th May, 1933, (iv) 22nd May, 1933 and (v) 23rd June, 1933.
- 141 Saraswati Printing Press, Nadiad, Karia, 17th March, 1933.
- 142 Dharnik, Nadiad, Karia, 30th March, 1933.
- 143 Jananu Bhumi, Karachi, 31st March, 1933.
- 144 Shanti Press, Karachi, 31st May, 1933.
- 145 Manranjan, Ahmedabad, 13th April, 1933.
- 146 Lohana Vijaya, Ahmedabad, 14th April, 1933.
- 147 Advocate of India Press, Bombay, 18th April, 1933.
- 148 Mahratta, Bombay, 25th April, 1933.
- 149 Nava Kal, Bombay, 11th May, 1933.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BOMBAY—*contd.*

- 150 Shri Dattatraya Printing Press, Bombay, 11th May, 1933.
- 151 Sudama Printing Press, Ahmedabad, 16th May, 1933.
- 152 Shri Kailasa Printing Press, Nadiad, Kaira, (i) 20th May, 1933, (ii) 9th January, 1934.
- 153 Kamdar, Ahmedabad, 10th June, 1933.
- 154 Indian Jails (or Hindi Jailkhana), Bombay, 16th June, 1933.
- 155 Political Sufferers' Press, Bombay, 16th June, 1933.
- 156 Mohamadi Printing Press, Ranpur, Ahmedabad, 12th July, 1933.
- 157 Udyogi Bharat, Amalner, East Khandesh, 12th July, 1933.
- 158 Taroon Printing Press, Surat, 26th July, 1933.
- 159 Mufis, Bombay, 26th July, 1933.
- 160 Vidnyan Press, Nasik, 23rd August, 1933.
- 161 Prabuddha Jain, Bombay, 2nd September, 1933.
- 162 Shri Jain Bhaskarodaya Printing Press, Bombay, 2nd September, 1933.
- 163 Sindwasi, Sukkur, 23rd September, 1933.
- 164 Shaitan, Hyderabad, 23rd September, 1933.
- 165 Moortipooja Virodhak Patrika, Bombay, 30th September, 1933.
- 166 Prabhat, Surat, 2nd October, 1933.
- 167 Jaya Swadeshi, Ahmedabad, 17th October, 1933.
- 168 Jaya Swadeshi Printing Press, Ahmedabad, 17th October, 1933.
- 169 Cutchi Memon Pol Patrika, Bombay, 24th October, 1933.
- 170 Kamgar Bulletin, Bombay, 1st November, 1933.
- 171 Tofan, Bombay, 2nd November, 1933.
- 172 Swadeshi Patrika, Bombay, 28th November, 1933.
- 173 Anandi Mouj, Bombay, 7th December, 1933.
- 174 New Reformer, Bombay, (i) 10th January, 1934 and (ii) 26th June, 1934.
- 175 Prabhat, Bombay, 10th January, 1934.
- 176 Mauj Printing, Bureau Press, Bombay, 10th January, 1934.
- 177 Navashakti, Bombay, (i) 19th January, 1934 and (ii) 30th January, 1934.
- 178 Navashakti Printing Press, Bombay, (i) 19th January, 1934 and (ii) 14th June, 1934.
- 179 Sphurti, Poona, 26th January, 1934.
- 180 Vismi Sadi, Bombay, 30th January, 1934.
- 181 Port Trust Kamgar, Bombay, 1st February, 1934.
- 182 Roshni, Ahmedabad, 1st February, 1934.
- 183 Urania, Bombay, 9th February, 1934.
- 184 Samyukta Karnatak Printing Press, Belgaum, 13th February, 1934.
- 185 Sind Hindu, Hyderabad, 13th February, 1934.
- 186 Insaf, Hyderabad, 21st February, 1934.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BOMBAY—*conld.*

- 187 Baj Khedwaj, Ahmedabad, 3rd March, 1934.
- 188 The Sun, Bombay, 10th March, 1934.
- 189 The Sun Printing Works, Bombay, 10th March, 1934.
- 190 The Sudharak, Shikarpur (Sukkur), 20th March, 1934.
- 191 Sindvadi, Hyderabad, 22nd March, 1934.
- 192 Navayug Printing Press, Bombay, 3rd April, 1934.
- 193 Phulwari, Sukkur, 5th April, 1934.
- 194 Praja Bandhu, Ahmedabad, 16th April, 1934.
- 195 Praja Bandhu Printing Press, Ahmedabad, 16th April, 1934.
- 196 Noor-i-Islam, Hyderabad, 19th April, 1934.
- 197 Tairan Ababil, Hyderabad, 23rd April, 1934.
- 198 Shri Hanuman Printery, Kaira, 23rd April, 1934.
- 199 Arogya Darpan, Ahmedabad, (i) 27th April, 1934 and (ii) 3rd October, 1934.
- 200 Taran Karnatak, Hubli, Dharwar, 30th April, 1934.
- 201 Bharat Printing Press, Hubli, Dharwar, 30th April, 1934.
- 202 Anglo-Lusitano Illustrated Konkani Magazine, Bombay, 4th May, 1934.
- 203 Govind Art Printing Works, Ahmedabad, 11th May, 1934.
- 204 Shri Shivanand Printing Press, Sholapur, 15th May, 1934.
- 205 Janmabhumi, Bombay, 15th May, 1934.
- 206 Al Baloch, Karachi, 29th May, 1934.
- 207 Congress Samachar, Bombay, 2nd June, 1934.
- 208 Johsi Press, Bombay, 6th June, 1934.
- 209 Illustrated Weekly Shetkari, Nasik, 11th June, 1934.
- 210 Hindu, Karachi, 11th June, 1934.
- 211 Hindustan Printing Press, Karachi, 11th June, 1934.
- 212 Hilal, Bombay, (i) 15th June, 1934, and (ii) 3rd July, 1934.
- 213 Lokwani, Surat, 28th June, 1934.
- 214 Lokwani Printing Press, Surat, 28th June, 1934.
- 215 New Era, Bombay, 28th June, 1934.
- 216 Daily Sun, Bombay, 4th July, 1934.
- 217 Baluchistan-e-Jadid, Karachi, 14th July, 1934.
- 218 Virbhumi, Bombay, 16th July, 1934.
- 219 Jubilee Printing Press, Borsad (Kaira), 11th July, 1934.
- 220 Bharat Press, Ahmedabad, 23rd August, 1934.
- 221 Samarth Bharat Press, Poona, 3rd September, 1934.
- 222 Al-Haramani, Bombay, 27th September, 1934.
- 223 Prem, Karachi, 29th September, 1934.
- 224 Prem Printing Press, Karachi, 29th September, 1934.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BOMBAY—*concl.*

- 225 Pratap, Hyderabad, 25th October, 1934.
- 226 Murgh-i-Falak, Hyderabad, 26th October, 1934.
- 227 Pol Prakash, Ahmedabad, 31st October, 1934.
- 228 Charotar Printing Press, Anand, Kaira, 15th November, 1934.
- 229 Aryan (Electric) Printing Works Press, Hyderabad, (i) 19th November, 1934, and (ii) 8th December, 1934.
- 230 Fateh, Hyderabad, 20th November, 1934.
- 231 Indian Socialist, Bombay, 20th November, 1934.
- 232 Kala Prakash Press, Malegaon (Nasik), 12th December, 1934.
- 233 Madani Fine Art Type and Litho Press, Bombay, 4th December, 1934.
- 234 New Jack Printing Works, Bombay, 21st December, 1934.

BENGAL.

- 235 Hindu Punch (newspaper), Calcutta, 16th January, 1932.
- 236 The Hari Press, Calcutta, 16th January, 1932.
- 237 The Liberty (newspaper), 15th January, 1932.
- 238 The Indian Daily News Press, Calcutta, 15th January, 1932.
- 239 The Swatantra Press, Calcutta, 6th January, 1932.
- 240 The Hind (newspaper), 19th January, 1932.
- 241 The Yugasanka (newspaper), Calcutta, 19th January, 1932.
- 242 The Sakti Press, Calcutta, 19th January, 1932.
- 243 The Benu, Calcutta, 26th January, 1932.
- 244 The Basanti Press, Calcutta, 26th January, 1932.
- 245 The Nayak (newspaper), 15th January, 1932.
- 246 The Swadesh Press, 25th January, 1932.
- 247 The Sahafat (newspaper), 2nd February, 1932.
- 248 The Bengal Art Syndicate Press, Calcutta, 2nd February, 1932.
- 249 Nari Gaurab (newspaper), 3rd March, 1932.
- 250 Vedi Press, Calcutta, 3rd February, 1932.
- 251 The Swadesh (newspaper), Calcutta, 6th February, 1932.
- 252 The Sree Krishna Printing Press, Calcutta, 6th February, 1932.
- 253 The Lokmanya (newspaper), 6th February, 1932.
- 254 The Lokmanya Press, Calcutta, 6th February, 1932.
- 255 The Biharee (newspaper), 17th February, 1932.
- 256 The Biharee Press, Calcutta, 17th February, 1932.
- 257 The Chasimazur (newspaper), Calcutta, 3rd March, 1932.
- 258 The Calcutta Printing Works, Calcutta, 3rd March, 1932.
- 259 The Sarathi (newspaper), Bakarganj, 4th February, 1932.
- 260 The Jamhoor (newspaper), 11th March, 1932.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BENGAL—*contd.*

- 261 The Arya Printing Works Press, 24-Parganas, 23rd April, 1932.
- 262 The Jewan (newspaper), Calcutta, 5th May, 1932.
- 263 The Jewan Press, Calcutta, 5th May, 1932.
- 264 The Bijoy Press, Midnapore, 9th May, 1932.
- 265 The Karkhana (newspaper), Calcutta, 25th June, 1932.
- 266 The Ananda Bazar Patrika, Calcutta, 26th May, 1932.
- 267 The Ananda Press, Calcutta, 26th May, 1932.
- 268 The Vedic Press, Asadtolia, Midnapore, 30th May, 1932.
- 269 The Amrita Bazar Patrika, Calcutta, 22nd June, 1932.
- 270 The Amrita Bazar Patrika Press, 22nd June, 1932.
- 271 The Dainik Basumati, 29th June, 1932.
- 272 The Basumati Electric Machine Press, 29th June, 1932.
- 273 The Har Har Mahadeo, 8th July, 1932.
- 274 The Sivaji Press 8th July, 1932.
- 275 The Paradise Press, 2nd August, 1932.
- 276 The Watan, Calcutta, 18th August, 1932.
- 277 The British Indian Litho Press, Calcutta, 18th August, 1932.
- 278 The Al-Muslim, Calcutta, 1st September, 1932.
- 279 The Islamia Printing House Press, Calcutta, 1st September, 1932.
- 280 The Viswamitra, 29th September, 1932.
- 281 The Viswamitra Press, 29th September, 1932.
- 282 The Jayasree, Dacca, 29th September, 1932.
- 283 The Vihari (newspaper), Calcutta, 19th November, 1932.
- 284 The Bijoli (newspaper), Calcutta, 14th December, 1932.
- 285 The Saraswati Press, 6th March, 1933.
- 286 The Harijan (newspaper), 3rd March, 1933.
- 287 Kshatriya Sansar (newspaper), 20th May, 1933.
- 288 Binapani Art Press, 29th May, 1933.
- 289 Advance (newspaper), 9th June, 1933.
- 290 Sadhana Press, 9th June, 1933.
- 291 Commercial India (newspaper), 25th July, 1933.
- 292 Industry Press, 25th July, 1933.
- 293 Sree Press, 20th October, 1933.
- 294 Pravartak (newspaper), 2nd November, 1933.
- 295 Hind-e-Jadid (newspaper), 28th November, 1933.
- 296 Hind Press, 28th November, 1933.
- 297 Keshri Press, 30th November, 1933.
- 298 The Sankalpa (newspaper), 30th November, 1933.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BENGAL—*concl.*

- 299 Sreeram Press.
- 300 The Punjab (newspaper), 4th December, 1933.
- 301 Punjab Press, 4th December, 1933.
- 302 Jangi Mazdoor (newspaper), 7th December, 1933.
- 303 Asri Jadid (newspaper), 7th December, 1933.
- 304 Asri Jadid Press, 12th December, 1933.
- 305 Arya Printing Press, 10th January, 1934.
- 306 Free India (newspaper).
- 307 Gana Nayak (newspaper), 7th May, 1934.
- 308 Classic Press, 7th May, 1934.
- 309 Marx Panthi (newspaper), 11th May, 1934.

UNITED PROVINCES.

- 310 The Brahma Press, Etawah, 19th November, 1931.
- 311 The V. N. Press, Etawah, 19th November, 1931.
- 312 The Fine Art Printing Cottage Press, Allahabad, 23rd November, 1931.
- 313 The Adarsh Press, Agra, 8th January, 1932.
- 314 The Janardan Press, Cawnpore, 24th February, 1932.
- 315 The Maha Lachhmi Press, Cawnpore, 29th February, 1932.
- 316 The Onkar Press, Cawnpore, 12th April, 1932.
- 317 The Sewak Press, Allahabad, 23rd April, 1932.
- 318 The Fine Art Press, Allahabad, 12th May, 1932.
- 319 The Maha-laxmi Press, Cawnpore, 2nd May, 1932.
- 320 The Jaiswal Press, Allahabad, 8th October, 1932.
- 321 The Fine Art Printing Cottage Press, Allahabad, 7th December, 1932.
- 322 The Indian Art Press, Allahabad, 14th July, 1933.
- 323 The Central Press, Cawnpore, 16th January, 1934.
- 324 The Abhyudaya Press, Allahabad, 8th February, 1934.
- 325 The Central Press, Cawnpore, 17th February, 1934.
- 326 The Gurunanak Press, Ajodhya, 21st July, 1934.
- 327 The Hindu Rajasthan Press, Jhansi, 6th September, 1934.
- 328 The Nayak Press, Etawah, 20th October, 1934.
- 329 The Art Press, Allahabad, 3rd November, 1934.
- 330 The Shishu Press, Allahabad, 31st October, 1934.
- 331 The Coronation Press, Cawnpore, 5th February, 1932.
- 332 The Vidya Bhandar Press, Lucknow, 19th March, 1932.
- 333 The Shankar Press, Cawnpore, 4th May, 1932.
- 334 The Chandra Fancy Press, Cawnpore, 31st May, 1932.
- 335 The Jagdish Press, Kashipr, Nainital, 14th June, 1932.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

UNITED PROVINCES—*contd.*

- 336 The Comercial Press, Meerut, 21st November, 1932.
 337 The Agrawal Machine Press, Muttra, 29th November, 1933.
 338 The Brahman Saraswati, Etawah, 19th November, 1931.
 339 The Sahas, Jhansi, 20th November, 1931.
 340 The Sainik, Agra, 8th January, 1932.
 341 The Rangeshwar, Allahabad, 12th January, 1932.
 342 The Swadeshi, Allahabad, 20th April, 1932.
 343 The Agarwal Sewa, Allahabad, 27th May, 1932.
 344 The Bhainkar, Cawnpore, October, 1932.
 345 The Lodhi Kshattriya, Cawnpore, October, 1932.
 346 The Chand, Allahabad, 7th December, 1932.
 347 The Mazdoor Sansar, Lucknow, 15th January, 1933.
 348 The Guncha-i-Itihad, Cawnpore, 3rd April, 1933.
 349 The U. P. Local Bodies Magazine, Mainpiuri, 26th April, 1933.
 350 The Chandrahas, Cawnpore, 9th May, 1933.
 351 The Uttar Bharat, Garhwal, 5th June, 1933.
 352 The Achhut Sewak, Cawnpore, 27th June, 1933.
 353 The Zarif, Saharanpur, 21st July, 1933.
 354 The Yuwak, Cawnpore, 1st August, 1933.
 355 The Amal, Cawnpore, 31st December, 1933.
 356 The Chitrakut Ashram, Cawnpore, 14th December, 1933.
 357 The Lal Jhanda, Cawnpore, 3rd February, 1934.
 358 The Banaspati-Vigyan, Cawnpore, 16th June, 1934.
 359 The Mazdoor, Cawnpore, 3rd October, 1934.
 360 The Nayak, Etawah, 20th October, 1934.
 361 The Tufan, Lucknow, 10th February, 1932.
 362 The Swadhin Praja, Almora, 19th February, 1932.
 363 The Labour Herald, Lucknow, 5th April, 1932.
 364 The Aj, Benares, 16th June, 1932.
 365 The Desh Bhagat, Meerut, 21st November, 1932.
 366 The District Gazette, Azamgarh, 6th December, 1932.
 367 The Vartman, Cawnpore, 21st February, 1934.
 368 The Madina, Bijnore, 8th May, 1934.
 369 The Sadai Muslim, Cawnpore, 27th June, 1934.
 370 The Al-Najm, Lucknow, 25th August, 1934.
 371 The Hind Rajasthan, Jhansi, 22nd August, 1934.
 372 The Al-Naqid, Agra, 5th September, 1934.
 373 The Sainik, Agra, 28th September, 1934.
 374 The Sudharak, Etawah, 5th October, 1934.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB.

- 375 Kirpan Bahadur (Gurmukhi weekly), Amritsar, 4th December, 1931.
 376 Akali, Lahore, 23rd November, 1931.
 377 Mazdur Kisan, Amritsar, 7th December, 1931.
 378 Ahrar (Urdu daily), Lahore, 8th December, 1932.
 379 Ajit, Lahore, 9th December, 1931.
 380 Kirpan Bahadur Press, Amritsar, 4th December, 1931.
 381 Punjab Kesari (Hindi weekly), Lahore, 5th January, 1932.
 382 Desh Sewak (Gurmukhi weekly), Jullundur, 25th January, 1932.
 383 Desh Sewak (Urdu fortnightly), Lahore, 27th January, 1932.
 384 Akali (Urdu daily), Amritsar, 19th February, 1932.
 385 Akali-te-Pardesi (Gurmukhi daily), Amritsar, 23rd February, 1932.
 386 Vir Kesari (Urdu daily), Lahore, 23rd February, 1932.
 387 Milap (Urdu daily), Lahore, 23rd February, 1932.
 388 Vir Bharat (Urdu daily), Lahore, 23rd February, 1932.
 389 Asli Qaumi Dard (Gurmukhi daily), Amritsar, 24th February 1932.
 390 Inqilab (Urdu daily), Lahore 25th February, 1932.
 391 Vir Bharat (Urdu daily), (Sialkot edition) 20th February, 1932.
 392 Pratap (Urdu daily), Lahore, 8th March, 1932.
 393 Sadaqat (Urdu weekly), Lahore, 14th March, 1932.
 394 Daler (Urdu weekly), Okara, District Montgomery, 12th April, 1932.
 395 Sadu Samachar (Gurmukhi weekly), Amritsar, 20th April, 1932.
 396 Desh Bandhu (Urdu weekly), Lahore, 17th September, 1932.
 397 Mutala (Urdu weekly), Ludhiana, 7th January, 1932.
 398 Zamindar (Urdu daily), Lahore, (i) 21st January 1932, (ii) 11th January, 1933, (iii) 14th June 1933, (iv) 13th March, 1934, (v) 18th October, 1934, and (vi) 6th December, 1934.
 399 Mehnat Kash (Urdu newspaper), Lahore, 25th January, 1932.
 400 Mehnat Kash (Gurmukhi newspaper), Lahore, 25th January, 1932.
 401 Danda Pir, Amritsar, 26th January, 1932.
 402 Akali-te-Pardesi, Lahore, 27th January, 1932.
 403 Ksrihna Press, Montgomery.
 404 Ajit, Amritsar, 28th March, 1932.
 405 Sadh Samachar, Amritsar, 26th April, 1932.
 406 Sant Parcharak, Amritsar, 27th April, 1932.
 407 Azad, Lahore, 2nd May, 1932.
 408 Nidharak, Gujranwala, 8th May, 1932.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB—contd.

- 409 Nawan Yug, Lahore, 13th August, 1932.
 410 Yalghar, Lahore, 18th August, 1932.
 411 Afsana, Gujranwala, 28th August, 1932.
 412 Ganga Sewak, Amritsar, 29th August, 1932.
 413 Paigham-i-Wattan, Hoshiarpur, 30th September, 1932.
 414 Islami Danda, Lahore, 10th October, 1932.
 415 Trade Union, Lahore, 26th October, 1932.
 416 Rafiq-i-Tijarat, Rawalpindi, 18th November, 1932.
 417 Virjanand Press, Lahore, (i) 5th January, 1932, (ii) 22nd January, 1932, (iii) 6th August, 1934, and (iv) 21st August, 1934.
 418 Khalsa National Press, Jullundur, 25th January, 1932.
 419 Mercantile Press, Lahore, 27th January, 1932.
 420 Maqbul-i-Am Press, Lahore, 5th February, 1932.
 421 Sri Ganga Electric Press, Amritsar, 17th February, 1932.
 422 Onkar Press, Amritsar, 19th February, 1932.
 423 Iqbal Steam Press, Lahore, 23rd February, 1932.
 424 Nizami Press, Lahore, 24th February, 1932.
 425 Desh Press, Lahore, 23rd February, 1932.
 426 Khalsa Pardesi Malwa Press, Amritsar, 24th February, 1932.
 427 Public Press, Sialkot, 29th February, 1932.
 428 Mehtab Barqi Press, Amritsar, 29th February, 1932.
 429 Parkash Steam Press, Lahore, 8th March, 1932.
 430 Punjab Printing Press, Montgomery, 12th April, 1932.
 431 Kirti Press, Amritsar, 15th April, 1932.
 432 Harnam Press, Amritsar, 20th April, 1932.
 433 Educational Printing Works, Lahore, 16th June, 1932.
 434 Ahuja Printing Works, Lahore, 19th September, 1932.
 435 Akali Press, Lahore, 27th January, 1932.
 436 Punjab alias Public Printing Press, Montgomery, 30th April, 1932.
 437 Public Printing Press, Montgomery, 15th June, 1932.
 438 Baldev Hari Press, Amritsar, 15th August, 1932.
 439 National Press, Rawalpindi, 15th December, 1932.
 440 Narindar Press, Rawalpindi, 20th December, 1932.
 441 Akali Patrika (Gurmukhi daily), Lahore, 4th March, 1933.
 442 Nawan Yug (Gurmukhi weekly), Lahore, (i) 8th March, 1933, (ii) 13th May, 1933 and (iii) 14th October, 1933.
 443 Mubahila (Urdu weekly), Amritsar, 20th March, 1933.
 444 Amrit, Montgomery, 22nd January, 1933.
 445 Akali Dhandora, Amritsar, 26th January, 1933.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB—contd.

- 446 Al-Azhar, Panipat, District Karnal, 3rd February, 1933.
 447 Chandan, Lahore, 7th February, 1933.
 448 Dukhi Bharat, Amritsar, 30th March, 1933.
 449 Sewak, Montgomery, 31st March, 1933.
 450 Montgomery Gazette, Montgomery, 4th April, 1933.
 451 Trade News, Montgomery, 4th April, 1933.
 452 Nuajawan Bharat, Amritsar, 5th April, 1933.
 453 Ziafat Punch, Amritsar, 12th April, 1933.
 454 Sadaqat, Amritsar, 20th April, 1933.
 455 Islah, Amritsar, 20th April, 1933.
 456 Rahbar-i-Punjab, Amritsar, 22nd April, 1933.
 457 Zalzala, Amritsar, 22nd April, 1933.
 458 Tiryaq (Urdu weekly), Lahore, 22nd April, 1933.
 459 Tiryaq (English weekly), Lahore, 22nd April, 1933.
 460 Kirti, Lahore, 11th May, 1933.
 461 Tiryaq (Urdu daily), Lahore, 13th May, 1933.
 462 Dawn (English weekly), Lahore, 22nd May, 1933.
 463 Indar, Ferozepore, 26th May, 1933.
 464 Bijli, Fazilka, District Ferozepore, 5th June, 1933.
 465 Tabligh-ul-Hanf, Amritsar, 8th June, 1933.
 466 Afghanistan, Lahore, 23rd June, 1933.
 467 Khurshid, Ferozepore, 27th June, 1933.
 468 Nirbhai, Gujranwala, 6th July, 1933.
 469 Sukh Dharam, Ferozepore, 11th July, 1933.
 470 Azad (Urdu daily), Lahore, 20th July, 1933.
 471 Trade News, Montgomery, 26th July, 1933.
 472 Akali, Lahore, 2nd August, 1933.
 473 Iqdam (Urdu daily), Lahore, 3rd August, 1933.
 474 Iqdam (Urdu weekly), Lahore, 3rd August, 1933.
 475 Cinema Art, Amritsar, 4th August, 1933.
 476 Punjabi Vir, Gujranwala, 4th August, 1933.
 477 Ajit, Lahore, 9th August, 1933.
 478 Sitara, Lahore, 9th August, 1933.
 479 Akali Patrika (Gurmukhi daily), Lahore, 9th August, 1933.
 480 Akali Patrika (Urdu daily), Lahore, 9th August, 1933.
 481 Punjabi, Lahore, 28th August, 1933.
 482 Chandan, Lahore, 28th August, 1933.
 483 Watan, Ferozepore, 1st September, 1933.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB—*contd.*

- 484 Rasti, Gujranwala, 6th September, 1933.
 485 Rastgo, Gujranwala, 16th September, 1933.
 486 Samaya Vada, Lahore, 19th September, 1933.
 487 Master, Amritsar, 12th October, 1933.
 488 Railway Mazdur, Lahore, 19th October, 1933.
 489 Afghan, Lahore, 19th October, 1933.
 490 Hindu Kesri, Lahore, 8th November, 1933.
 491 Daily News, Lahore, 13th November, 1933.
 492 Mazdur, Lahore, 13th November, 1933.
 493 Desh Bhagat, Lahore, 15th November, 1933.
 494 Kirti (Gurmukhi weekly), Amritsar, 15th November, 1933.
 495 Babbar Shor, Amritsar, 4th December, 1933.
 496 Daily News, Lahore, 7th December, 1933.
 497 Sudharak Press, Amritsar, 22nd February, 1933.
 498 Varma Electric Press, Amritsar, 22nd February, 1933.
 499 Akali Patrika Press, Lahore, 4th March, 1933.
 500 Phulwari Press, Lahore, 8th March, 1933.
 501 Mubahilla Press, Amritsar, 20th March, 1933.
 502 Narain Press, Dera Ghazi Khan, 23rd March, 1933.
 503 Mansur Steam Press, Lahore, (i) 5th April, 1933, (ii) 14th June, 1933, (iii) 13th March, 1934 and (iv) 18th October, 1934.
 504 Paramount Electric Press, Lahore, 7th July, 1933.
 505 Madan Printing Press, Lahore, 14th October, 1933.
 506 Roshan Steam Press, Lahore, 20th October, 1933.
 507 Inqilab Steam Press, Lahore, 20th October, 1933.
 508 Lakshmi Art Steam Press, Rawalpindi, 7th December, 1933.
 509 Kumar Press, Amritsar, 1st March, 1933.
 510 Nafco Press, Amritsar, 14th March, 1933.
 511 Urdu Press, Amritsar, 5th April, 1933.
 512 Matbakh Press, Amritsar, 12th April, 1933.
 513 Sahni Printing Press, Rawalpindi, 5th April, 1933.
 514 Edward Press, Rawalpindi, 25th April, 1933.
 515 Singer Press, Taran Taran, District Amritsar, 14th July, 1933.
 516 Kamal Press, Lahore, 16th August, 1933.
 517 Paramount Electric Press, Lahore, 16th August, 1933.
 518 Akali Patrika Press, Lahore, 28th August, 1933.
 519 Durbar Press, Lahore, 28th August, 1933.
 520 Lal Chand Press, Montgomery, 1st September, 1933.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB—*contd.*

- 521 Master Press, Amritsar, 12th October, 1933.
 522 Edward Press, Rawalpindi, 19th October, 1933.
 523 Singer Press, Amritsar, 23rd October, 1933.
 524 Goldsbury Press, Jhelum, 20th November, 1933.
 525 Akal Press, Amritsar, 4th December, 1933.
 526 Prabhat (Hindi daily), Lahore, 16th January, 1934.
 527 Azad (Urdu daily), Lahore, 13th May, 1934.
 528 Shanti (Hindi monthly), Lahore, 6th August, 1934.
 529 Siyasat (Urdu daily), Lahore, 26th September, 1934.
 530 Ihsan (Urdu daily), Lahore, 10th October, 1934.
 531 Arya Gazette (Urdu weekly), Lahore, 13th November, 1934.
 532 Kanwal, Rawalpindi, 3rd January, 1934.
 533 Virat Pattar, Amritsar, 4th January, 1934.
 534 Kirti, Lahore, 18th January, 1934.
 535 Mittar, Lahore, 21st February, 1934.
 536 Socialist, Lahore, 21st February, 1934.
 537 Tabsra-tul-Atibba, Sheikupura, 15th March, 1934.
 538 Guru Khalsa, Sheikupura, 3rd April, 1934.
 539 Mazlum, Rawalpindi, 4th April, 1934.
 540 Tiryag, Lahore, 10th April, 1934.
 541 Sadaqat, Hoshiarpur, 16th April, 1934.
 542 Revenue Gazette, Rawalpindi, 2nd May, 1934.
 543 Harijan, Lahore, 2nd May, 1934.
 544 Rajpal, Lahore, 2nd May, 1934.
 545 Fitrat, Sheikupura, 6th May, 1934.
 546 Manadi, Rawalpindi, 8th May, 1934.
 547 Sunny Magazine, Lahore, 16th May, 1934.
 548 New Outlook, Lahore, 17th May, 1934.
 549 Rahnuma, Rawalpindi, 18th May, 1934.
 550 Khiyaban, Rawalpindi, 18th May, 1934.
 551 Hind Kesari, Lahore, 24th May, 1934.
 552 Faryad, Lahore, 24th May, 1934.
 553 Salak, Rawalpindi, 2nd June, 1934.
 554 Bhagat, Gujranwala, 2nd June, 1934.
 555 Sangla Market Report, Sheikupura, 6th June, 1934.
 556 Sanat-o-Hirfat, Rawalpindi, 19th June, 1934.
 557 Nawan Dhandora, Ludhiana, 22nd June, 1934.
 558 Himmat, Lahore, 28th June, 1934.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB—*contd.*

- 559 Faizan, Lahore, 2nd July, 1934.
 560 Tasnim, Lahore, 2nd July, 1934.
 561 Naujawan Sikh, Rawalpindi, 3rd July, 1934.
 562 Nishat, Lahore, 19th July, 1934.
 563 Achhut Sewak, Amritsar, 4th August, 1934.
 564 Paghal, Amritsar, 4th August, 1934.
 565 Azad Akali, Amritsar, 4th August, 1934.
 566 Doaba Gazette, Hoshiarpur, 11th August, 1934.
 567 Insaf, Helan, district Gujrat, 22nd August, 1934.
 568 Talim, Rawalpindi, 22nd August, 1934.
 569 Raz-i-Film, Rawalpindi, 22nd August, 1934.
 570 Quresh, Gujranwala, 27th August, 1934.
 571 Young Punjab, Lahore, 28th September, 1934.
 572 Panja Sahib Magazine, Rawalpindi, 24th September, 1934.
 573 Punjab, Rawalpindi, 19th October, 1934.
 574 Mazlum, Rawalpindi, 29th October, 1934.
 575 Akali Patrika, Urdu newspaper, Lahore, 1st November, 1934.
 576 Shamsa, Rawalpindi, 2nd November, 1934.
 577 Naujawan (Urdu weekly), Lahore, 7th November, 1934.
 578 Matwala, Lahore, 4th December, 1934.
 579 New Leader, Lahore, 4th December, 1934.
 580 Amritsagar, Lahore, 12th December, 1934.
 581 Muftis, Lahore, 12th December, 1934.
 582 Taskeen, Ambala, 21st December, 1934.
 583 Ahmmadiya Press, Amritsar, 4th January, 1934.
 584 Nami Press, Lahore, 2nd April 1934, 14th April, 1934.
 585 Punjab National Steam Press, Lahore, 6th September, 1934.
 586 Saheli Printing Press, Lahore, 6th September, 1934.
 587 Iqbal Barqi Press, Sialkot, 6th September, 1934.
 588 Misri Printing Press, Lahore, 26th September, 1934.
 589 Kesari Printing Press, Lahore, 10th October, 1934.
 590 Gilani Electric Press, Lahore, 13th November, 1934.
 591 Karimi Press, Lahore, 6th December, 1934.
 592 Virat Pattar Press, Amritsar, 4th January, 1934.
 593 United Printing Press, Okara, district Montgomery, 11th January, 1934.
 594 Mateen Press, Amritsar, 6th March, 1934.
 595 Akali Samachar Press, Amritsar, 19th March, 1934.
 596 Sahiwal Press, Montgomery, 4th April, 1934.
 597 Dayanand Art Press, Abohar, district Ferozepore, 7th April, 1934.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

PUNJAB—*concl.*

- 598 Bijli Press, Fazilka, District Ferozepore, 19th May, 1934.
 599 Chandan Press, Rawalpindi, 31st July, 1934.
 600 Master Printing Press, Rawalpindi, 31st July, 1934.
 601 Eastern Printing Press, Rawalpindi, 31st July, 1934.
 602 Commercial Printing Press, Rawalpindi, 17th September 1934.
 603 Ram Electric Press, Sialkot, 19th September, 1934.
 604 Abbey Printing Press, Sialkot, 19th September, 1934.
 605 Northern Printing Press, Rawalpindi, 9th October, 1934.
 606 King Press, Rawalpindi, 19th October, 1934.
 607 Printing Press at Ranika-Rai, Ambala, 29th October, 1934.
 608 Darbar Press, Lahore, 1st November, 1934.
 609 Free Press, Lahore, 4th December 1934.
 610 Masood Press, Amritsar, 4th December, 1934.

BURMA.

- 611 Swatantran, 25th November, 1931.
 612 Viduthalai.
 613 Desopakari, 10th October, 1933.
 614 Azad Burma, 16th December 1933.
 615 Bandoola, 30th March, 1933.
 616 Popular Press, 1st June, 1934.
 617 Doh-Khit, 25th June, 1934.
 618 Sun Press, 29th June, 1934.
 619 Bandoola, 31st January, 1935.
 620 New Light of Burma, 31st January, 1935.
 621 Parrot Printing Press, 30th January, 1935.
 622 Royal Printing Works and Whip newspaper, 1st February, 1935.

BIHAR AND ORISSA.

- 623 Searchlight Press, 7th January, 1932.
 624 Desh Sewak Press, 25th January, 1932.
 625 Satyabadi Press, 28th January, 1932.
 626 Prajatantra Press, 10th February, 1932.
 627 Bhagwan Press, 19th May, 1932.
 628 Searchlight, Patna, 7th January, 1932.
 629 Samaj, Cuttack, 28th January, 1932.
 630 Mahabir, Patna, 30th January, 1932.
 631 Utkal Sevak, Sambalpur, 10th February, 1932.
 632 Prajatantra, Balasore, 10th February, 1932.
 633 Imarat, Patna, 26th June, 1933.
 634 Al-Imarat, Patna, 20th November, 1933.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

BIHAR AND ORISSA—*contd.*

- 635 Yogi, Patna, 30th July, 1934.
636 Nava Shakti, Patna, 8th August, 1934.

CENTRAL PROVINCES.

- 637 Keeper of the Shri Guru Babji Printing Press, Akola, 27th February, 1932.
638 Keeper of the Kalika Printing Press, Nagpur, 14th January, 1932.
639 Publisher of the "Wageshwari" Magazine Nagpur, 14th November, 1932.
640 Jain Rasayan Shale Press Jabulpore, 26th January, 1933.

ASSAM.

- 641 Janasakti (newspaper), 26th February, 1932.
642 Purabi (newspaper), 16th March, 1932.
643 Samachar (newspaper), 30th May, 1932.

NORTH-WEST FRONTIER PROVINCE.

- 644 Sailab (newspaper), 29th October, 1931.
645 Lakshmi Art Steam Press, 19th December, 1931.
646 George Steam Press, 6th April, 1932.
647 Frontier Advocate (newspaper), 30th September, 1932.
648 Islah-i-Rasum (newspaper), 1st February, 1933.
649 The Humanity, (magazine), September, 1933.
650 The Mashriq (weekly newspaper), 13th February, 1933.
651 The Sadaqat (newspaper), 2nd September, 1933.
652 The Israr-i-Sarhad.
653 The Sher-i-Sarhad (newspaper), Hazara, 14th August, 1933.
654 The Sher-i-Sarhad (newspaper), Peshawar, (i) 1st October 1934 and (ii) 18th December, 1934.
655 A newspaper by Jagan Nath, son of Hira Nanad of Bannu City.
656 Parkar Printing Press, Bannu.

COORG.

- 657 Kodagu, 26th September, 1930.

DELHI.

- 658 Congress Press, 23rd December, 1931.
659 Imperial Fine Art Press, 15th December, 1931.
660 Rajindra Printing Press, 30th December, 1931.
661 Hindustan Times, 27th April, 1933.
662 Hindustan Times Press, 27th April, 1932.
663 Arjun, (i) 8th May 1932 and (ii) 18th April, 1933.
664 Monthly Shudhi Samachar, 21st June, 1932.
665 Weekly Shudhi Samachar, 21st June, 1932.
666 Khadi Sandesh, 15th August, 1932.
667 Hindu, 23rd August, 1932.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

DELHI—*contd.*

- 668 Name of press not given in application, 29th August, 1932.
669 Weekly Shardha Nand, 19th August, 1932.
670 Nagrik, 4th November, 1932.
671 Siddiq-ul-Mataba Press, 15th November, 1932.
672 Ramesh Printing Press, 19th November, 1932.
673 Tej, (i) 19th November 1932 and (ii) 8th March, 1933.
674 Kashmere Pandit, 19th November, 1932.
675 National Call, 19th November, 1932.
676 National Journal Press, 19th November, 1932.
677 Weekly Sanjava, 18th July, 1932.
678 Chitra Pat, 12th January, 1933.
679 Murari Art Press, 22nd February, 1933.
680 Rajwari, 20th March, 1933.
681 Urdu Harijan, 12th April, 1933.
682 Yugantar, 19th June, 1933.
683 Vir Bharat, 27th June 1933.
684 Arya Prakah, 5th July, 1933.
685 Bhavish Bharat, 21st July, 1933.
686 Uthan, 21st July, 1933.
687 Kainat, 31st July, 1933.
688 Dastur Press, 28th August, 1933.
689 Mohan, 24th October, 1933.
690 Kainat, 31st October, 1933.
691 Hindustan, 26th January, 1934.
692 Mushtaq Press, 2nd March, 1934.
693 Darbar, 21st March, 1934.
694 M. A. Printing Works, 28th March, 1934.
695 Arafat, 20th June, 1934.
696 Inqilab-Hind, 20th June, 1934.
697 Chal-Chitra, 23rd June, 1934.
698 Fine Printing Works, 25th July, 1934.
699 Nava Sandesh, 25th July, 1934.
700 Tyagbhumi, 25th July, 1934.
701 Azad, 20th October, 1934.
702 Muball gh, 20th October, 1934.
703 Chhaya, 8th December, 1934.
704 Chitra, 8th December, 1934.
705 Chhaya Art Works, 8th December, 1934.
706 Shri Ambika Press, 18th December, 1934.

Serial No. Name of newspaper/press from which security was demanded, with date of demand.

DELHI—*contd.*

- 707 Guardian Press, 4th January, 1934.
708 Guardian, 4th January, 1934.

AJMER MERWARA.

- 709 Sandesh Printing Works, Ajmer, 26th April, 1932.
710 Rajasthan Sandesh, 9th September, 1932.
711 Shree Janki Devi Printing Press, 9th September, 1932.
712 Sasta Sahitya Press, Ajmer, 30th August, 1933.
713 Hafizia Press, Ajmer, 29th June, 1934.
714 Muslim Rajasthan, 29th June, 1934.
715 The Educational Press, Ajmer, 27th June, 1934.
716 Rajasthan, 23rd July, 1934.
717 Parasar Hiteshi (Magazine), 7th May, 1934.
718 Parivartan (magazine), 17th July, 1934.

CONTRACT BY THE EAST INDIAN RAILWAY FOR THE PURCHASE OF LOCOMOTIVES FROM KRUPPS.

75. THE HONOURABLE MR. V. V. KALIKAR: Will Government be pleased to state:

- (a) Whether a contract for 29 locomotives for the North Western Railway and the East Indian Railway has been obtained by the Krupps Company of Germany?
(b) If the answer to part (a) is in the affirmative, the department of the Government that gave the contract to the Krupps Company?
(c) Whether tenders were invited from British and Japanese companies? If so, the quotations of rates of those companies?
(d) Whether it is a fact that the Krupps Company in their tenders quoted lower rates than the above-mentioned companies of Japan and Britain?
(e) Do Government propose to start manufacturing locomotives in India in future? If not, why not?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) Yes.

(b) The East Indian Railway, with the approval of the Railway Board.

(c) The call for tenders was on a world-wide basis.

(d) No Japanese tenders were received. Tenders were received from a number of British firms, the lowest British tender being about 12 per cent. more than the quotation made by Krupps.

(e) No. Such a scheme would be unremunerative.

THE HONOURABLE MR. HOSSAIN IMAM: Were the terms of these tenders on a rupee basis or on Reichmarks basis?

THE HONOURABLE SIR MAURICE BRAYSHAY: Rupee basis.

MOTION FOR ADJOURNMENT *RE* UNSATISFACTORY TERMS AND CONSTITUTION OF THE SPECIAL TARIFF BOARD ON THE INDIAN TEXTILE INDUSTRY.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have received notice of a Motion for Adjournment from the Honourable Mr. P. N. Saprú to discuss the unsatisfactory terms and constitution of the Special Tariff Board on the textile industry. As I think this Motion is in order, subject to what I hear subsequently from the Government Member and what I may have to say, I will read the Motion to Honourable Members. The notice is as follows.

"To

The Secretary,
Council of State.

Sir,

I beg to give notice that I wish to move for the Adjournment of the House to consider a matter of urgent public importance, namely, to draw attention to the very unsatisfactory terms and constitution of the *Special Tariff Board* on the Indian textile industry.

I have the honour to be,

Sir,

Your obedient servant,

(Sd.) P. N. SAPRÚ."

Honourable Mr. Stewart, have you any objection?

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I am afraid that I must object to this Motion.

THE HONOURABLE THE PRESIDENT: On what grounds?

THE HONOURABLE MR. T. A. STEWART: In the first place, Sir, the Motion refers to two matters, one, the terms of reference to the Tariff Board and the other, its personnel. Now, Sir, I would urge that the terms of reference raise no new matter. They were foreshadowed in a speech by Sir Joseph Bhore on the 13th February, 1934. In that speech he used words which have practically been repeated in the Resolution of the 10th September. The words were "to examine on a review of the conditions then existing and in the light of such experience as may have gained". Sir Joseph Bhore said that these were the matters which would be under consideration when there was an inquiry. Now, the Honourable Member has been aware of the fact that an inquiry would be held since the 13th February, 1934 and the lines on which that inquiry would be held were sufficiently well defined. I suggest, therefore, that this cannot be held to be a matter of urgent importance.

There is certainly another part of the terms of reference in which adequate protection is defined. That, Sir, is no more than a statement of the practice of discriminating protection that has been followed since the first Tariff Board investigated the Steel Industry in 1924. The Honourable Member has had 11 years in which to raise this matter and I urge that so far as this part of the terms of reference is concerned, it cannot be regarded as urgent.

[Mr. T. A. Stewart.]

Sir, I would object also on the ground that it is a misuse of the emergent right that is given to Members of this House to discuss appointment of particular individuals to particular posts under the Government of India. The Honourable Member may say that he does not wish to discuss particular appointments but that he is concerned with the principle of the matter. Now, Sir, this is not a new principle. There have been gentlemen brought from England on many occasions who have presided over inquiries dealing with particularly Indian matters and if it is the principle of bringing a particular individual from the United Kingdom, that is a principle that has been in existence for many years.

With these words, Sir, I oppose the Motion.

THE HONOURABLE THE PRESIDENT: Will you please tell me the date of the Notification appointing the Tariff Board?

THE HONOURABLE MR. T. A. STEWART: 10th September, 1935.

THE HONOURABLE THE PRESIDENT: Do you not think that is an event of recent occurrence?

THE HONOURABLE MR. T. A. STEWART: Yes, Sir. I admit fully that the appointment of the Tariff Board is a recent occurrence.

THE HONOURABLE THE PRESIDENT: I understand the Honourable Member for Government has raised three objections. In the first instance he has said that the declaration made on the 13th February, 1934 by Sir Joseph Bhore precludes the moving of this Motion for Adjournment. Secondly, he has contended that this is not a matter of urgency, and thirdly, he has contended that it will be a misuse of the Council's powers under the Standing Orders to move such a Motion. I am not prepared to go beyond the date of the appointment of this Tariff Board. The Tariff Board was admittedly appointed on the 10th September, 1935 and what has happened previously has no bearing whatsoever on the validity of this Motion. The Honourable Member, in my opinion, has got a perfect right to move a Motion for Adjournment on the appointment of the Tariff Board. What I have to see is that there has not been long delay between the publication of the Notification appointing the Tariff Board and the making of this Motion. Secondly, I do not agree with the Honourable Member for Government in his next contention. What was stated by Sir Joseph Bhore was a mere statement of facts which had actually happened and the expression of his opinion then. Any such Motion or Resolution at that time would have been entirely out of order. Thirdly, I am not in agreement with the Honourable Member for Government that this Motion, if admitted, would be a misuse of the powers vested in the Council under the Government of India Act. I will, however, now take the sense of the Council on this Motion. Those who are in favour of giving leave to the Honourable Member to move this Motion for Adjournment will please rise in their places.

(Ten Honourable Members rose.)

THE HONOURABLE THE PRESIDENT: There are only ten Honourable Members. The Honourable Member (the Honourable Mr. Sapru) has not the leave of the Council to move this Adjournment Motion.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have a Message to deliver to you from His Excellency the Governor General. The Message reads as follows:

"Whereas the Legislative Assembly has by its vote of the 16th September, 1935, refused leave to introduce a Bill entitled a Bill to amend the Criminal Law;

Now therefore, I, Freeman, Earl of Willington, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, do hereby certify that the said Bill is essential for the tranquillity of British India.

(Sd.) WILLINGDON,

Viceroy and Governor General.

Simla;

The 18th September, 1935.

In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Freeman, Earl of Willington, do recommend to the Council of State that it do pass the Bill to amend the Criminal Law in the form hereto annexed.

WILLINGDON,

Viceroy and Governor General.

Simla;

The 18th September, 1935.

(The Message was received by the Council, standing.)

CRIMINAL LAW AMENDMENT BILL LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of the provisions of section 67B of the Government of India Act, I lay on the table a copy of the Bill to amend the Criminal Law, leave to introduce which in the form recommended by the Governor General was refused by the Legislative Assembly at its meeting of the 16th September, 1935: the said Bill having been certified under the provisions of the same section by the Governor General as essential for the tranquillity of British India.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Government, Sir, have no business to place before the Council tomorrow. Friday, as Honourable Members are aware, is a non-official day. On Saturday it is proposed to proceed with the four small and uncontentious Bills laid on the table yesterday. The Criminal Law Amendment Bill will be taken up on Monday next week, and if not disposed of on Monday will be proceeded with on Wednesday next week.

RESOLUTION RE INITIATION OF EARLY MEASURES TO IMPLEMENT THE CONCLUSIONS OF THE REPORT OF THE DRUGS INQUIRY COMMITTEE.

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 initiate early measures to implement the conclusions of the Report of the Drugs Inquiry Committee".

My sole object in placing this Resolution before the House is to impress the urgency of devising prompt and efficient measures to counteract the nefarious practices of manufacturers and dealers of drugs in India, who prey upon the people and deceive them by supplying adulterated, sophisticated or substituted articles. There can be no better justification for it than that provided in the following words from the Committee's Report:

"The evidence left no room for doubt that, in regard to adulteration, deterioration or tampering with quality or strength of drugs very little distinction can be made between imported and locally manufactured preparations. The traffic in such drugs is extensive and indiscriminate and that the strong language used by some of the witnesses in characterising the situation is by no means undeserved or exaggerated. The root cause of the traffic in adulterated drugs is traceable on ultimate analysis to the demand by the public for cheap medicines, which unscrupulous manufacturers and dealers have not been slow to exploit. The true remedy for this state of affairs lies in the organisation of the drug industry in this country. It would then be able to satisfy the conditions which might be prescribed by a properly controlled drug legislation and to put on the market standard goods which would suit the purchasing capacity of the people".

That the situation has greatly worsened during the last five years leaves no doubt as shown by some recent prosecutions at Bombay. Inert and useless substances were palmed off on medical practitioners to the detriment and harm of their patients. What faith can one place upon the honesty of dealers when such a life-saving remedy as insulin that has saved hundreds of thousands of lives of diabetic patients is substituted by castor oil! This must have led to heavy fatality among such patients. It is indeed difficult to conceive the heartlessness and inhumanity of such importers. As the majority of dealers are devoid of any knowledge of chemistry or pharmacy, they do not realise the gravity of adulterations by mixing inert substances with a useful and potent drug. Even foreign packed drugs have their wrappers, capsules, and corks carefully removed, a portion abstracted therefrom and something added and repacked. Apart from drugs, science has evolved powerful biological products from organic materials and even in some instances synthetically. There exists no check to test their purity, strength or deterioration through decomposition when stored for months and even years in the Indian climate. The doctor, Sir, is thus at the mercy of the dealer who to avoid loss, sells such products as freshly imported. However pure and sterile they may be when manufactured, there is no guarantee to their original composition being retained unchanged indefinitely.

Manufacturers in India imitate the containers, bottles, boxes, labels, literature and wrappers of reputed foreign preparations and even use the original names by transposing letters of the alphabet or by other devices. These

are not merely colourable imitations. The facsimile is so perfect as to deceive even intelligent buyers. They are tempted by the difference of a few annas and the dealer's assurance that *it is just as good!* There is thus no limit to the extent of deception practised upon the people.

Such in brief, Sir, is the position today. Public welfare requires an Act on the basis of the English Act for the sale of pure foods and drugs including patent medicines, food products, proprietary medicines and even harmful toilet articles. Preparations the sale of which is debarred in the country of origin, flood Indian markets as they are extensively advertised with fictitious, false and unwarranted claims of their properties and harmlessness. The British Medical Association had had an analysis made of the so-called tonic invigorating or medicated wines, bitters, etc., that are so largely used. It showed that their basis was the cheapest and most inferior kind of wine procurable and meat extract with or without the addition of some so-called tonics. The bare cost of a full bottle was estimated at a few pence. Whereas we in India pay three to five rupees. I do not know whether doctors who recommend such wines have any conception of their composition or uselessness. The Bombay Government Gazette issued last July a list of such preparations imported into India. They numbered 194 kinds. Their alcoholic strength per cent. of proof varied from 20 to 80. Their sources were from all over Europe and a few from the United States of America and Japan. Bengal manufacturers had but one only!

What measures Great Britain and the United States of America have adopted to combat this wide-spread evil in spite of existing legislation is worth noting. The former has an Act for the sale of pure foods and drugs. A new schedule of poisonous drugs is now before a Committee of the House of Commons. The Pharmaceutical Society has undertaken the standardisation and assay of drugs and their chemical constitution. The potency and the nature of their action used by the profession are enquired into. And recently several important medical organisations are engaged in the preparation of (a) either a report on substances which grossly fail to satisfy the claims made for them or to be worth the price, or (b) a list of those medicinal products of a proprietary nature which can with some confidence be recommended.

The League of Nations has constituted an International Commission on biological standardisation of serums and vaccines on which Great Britain is represented by that eminent research worker Sir Henry Dale of the British Medical Research Council of which I understand Lord Linlithgow, the incoming Viceroy, is President.

The United States are, however, far in advance. There exists a very influential body called the American Medical Association which maintains special councils and committees which investigate all kinds of substances including new drugs, new apparatuses and appliances for medical treatment. It is the special function of the Council on Pharmacy and Chemistry to thoroughly investigate, test and report upon new remedies submitted to it. If enquiry shows defects in the alleged composition, or method of manufacture or if the claims advanced of their properties are not substantiated to its satisfaction the substance is *not accepted* for its list of new remedies. The manufacturers have to alter the defects according to its mandate and submit further

[Sir Nasarvanji Choksy.]

samples for investigation which, if proved satisfactory, entitles it to be put in its list. Proprietary preparations and foodstuffs are similarly treated and if accepted the articles bear its seal. The organisation had thus to disapprove from time to time numerous preparations like Scott's Emulsion, Ovaltine, Kalzana, Bayer's Aspirin and numerous other products on account of their defective composition or of exaggerated claims that on investigation were proved to be fraudulent or harmful to public welfare. The Association has even suggested a Federal Act to prohibit the insertion of advertisements of remedies for which exaggerated, unwarranted and fraudulent claims are made. Its Bureau of Investigation recently published in a single issue of its Journal 32 instances of prosecutions for fraudulent therapeutic claims. I would ask, Sir, what measures this country has devised to stop this illicit traffic? The application of the Merchandise Marks Act has but limited value in instances of gross fraud. And even then the importer escapes by falsely pleading that it was due to the malpractices of the manufacturer. The Collectors of Customs are empowered to have analyses made of British Pharmacopœia preparations suspected to be below its standard. And if found to be so, all that they can do is to erase the letters B. P. from the labels. And as they are allowed to pass out the preparations, there is no prohibitive effect upon the unscrupulous importer. It is the patient who has to be given a larger dose, which results in more sales and more profit to the dealer!

Sir, it will thus be seen how stern measures and vigilant application are necessary to put down the traffic. I would, therefore, appeal to the Honourable Leader of the House to strive every nerve to have a measure enacted for the purpose. Finally I would ask the House to support the Resolution in the interests of public weal and thus prevent the loss of crores of rupees that are being spent yearly upon unreliable products.

Sir, I move.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I beg to move the following amendment:

"That at the end of the Resolution the following be added, namely:

'or, if for financial or other reasons he has to delay giving effect to all the conclusions of the Committee, to take early steps to pass legislation which would effectively prevent the sale of spurious drugs.'

There was moved in this House a Resolution by the late Honourable Sir Ebrahim Haroon Jaffer as far back as 9th March, 1927, in which he recommended that

"immediate measures be taken to control the craze for medicinal drugs by legislation, for standardisation of the preparation and sale of such drugs".

At that date, Sir, you did not occupy the presidential Chair of the House, but as an ordinary Member you moved an amendment to the effect that Provincial Governments be asked to "take the requisite steps to remedy the evil" and that amendment was carried by the Council of State. The discussion in the Council of State was reflected in several articles in leading newspapers and also in communications addressed to the Government of India by commercial bodies. So important a medical gentleman in the land as Major-General Sir John Megaw wrote to the *Indian Medical Gazette* in

1927 and drew the picture of India in lurid colours as "a land of quacks, quack traders and quack medicine mongers, etc.". Four months later, that is on the 4th of September, 1928, in the Legislative Assembly, Colonel Sir Henry Gidney went so far as to move for leave to adjourn the House for the consideration of what he described as the gigantic quinine fraud. He stressed the fact that India was par excellence the dumping ground for every variety of quack medicines and adulterated drugs manufactured in all parts of the world. Government, however, were slow in taking any action. The wheels of Government never move fast and it took them three and a half years to appoint a Committee which they did on the 11th August, 1930, and on the same date published the terms of reference. This Committee, however, did not take long to present their report. It was before the public on the 31st March, 1931, so that they took eight months or less. It is four and a half years since then and Government have still taken no action, four and a half years since the date of the report of the Committee and eight and a half years since the Resolution was moved in this House.

The Committee's recommendations are three-fold. In the first place they recommend that legislation should be central, with a view to secure effectiveness and uniformity of control. The second recommendation is to the effect that there should be a central laboratory either in Calcutta or in Bombay and other laboratories in the different provinces. They enumerated the works which these laboratories were to perform, which are wide and varied, and I admit that they will cost a lot of money; and the third recommendation was in regard to the profession of pharmacy. Let us analyse these recommendations in the inverse order. The third recommendation in regard to the profession of pharmacy would bring about such a drastic change that no compounder who just now prepares prescriptions in a chemists' shop would be able to do so but would be required to pass severe tests. The changes proposed are of such a character that there would be a hue and cry in the country; but of course they have not been given effect to so far; when Government propose to do something in this connection, that would be the proper time to discuss this matter. As regards the second recommendation, namely, the establishment of laboratories, I would refer the Council to an answer given by Government about a week ago in the other place. A question was asked when Government propose to give effect to the various recommendations of the Drugs Inquiry Committee, to which Government replied that legislation could be effective only if organisations to enforce its provisions as proposed by the Committee were set up both by the Government of India and by the provinces. For financial reasons this has not been found possible so far. No scheme undertaken by the Government of India alone could be effective. Now, Sir, it will not be surprising if Government in answer to this Resolution give the very same reply that their funds will not permit undertaking the recommendations of the Drugs Committee. I would, however, like to point out that the finances of the Government of India in 1935, are certainly in a better position than what they were in 1931, when the report was issued and in the interest of public health it is necessary that Government should undertake the construction of these laboratories. India is the only country in which people can do what they like in the matter of spurious drugs. In no other country can that be done. The only restriction which is

[Sir Phiroze Sethna.]

laid down in this country is in regard to such poisonous drugs as opium, morphine, cocaine and *charas*. The result is what has been described by the Honourable mover in his speech—widespread imitation of genuine drugs. Therefore if Government cannot afford the money to put up laboratories, there is no reason, no valid reason, why at least legislation should not be introduced for the control of drugs and such legislation should be enacted as early as possible.

In the Committee's report figures are given for five years, 1928-29 and the previous four years, showing the value of the drugs which are imported into this country from foreign lands. The value of these drugs in the year 1928-29 is given at Rs. 202 lakhs. Allowing for a normal increase at the rate of 5 per cent. it will not be surprising if the value of the imported drugs today is nearly Rs. 2½ crores per annum and many of these drugs and preparations are of the kind described by the Honourable mover of this Resolution. He gave some instances in regard to insulin, etc. May I be permitted to give one or two more? There are instances known where tins of quinine were tampered with so that three-fourths of the contents were removed and substituted by ordinary chalk and from that preparation of one-fourth quinine and three-fourths chalk, quinine tablets made. Again, Sir, take the case of potassium bromide and potassium iodide. They are both in crystals of the same colour but potassium iodide is six times dearer than potassium bromide. The latter has very often been substituted for the former without the patient being aware of it—and yet the one is used as a sedative and the other against fever. Instances were given by the Honourable mover of the substitution of castor oil for insulin. There are instances of insulin being replaced by a still cheaper oil with very serious consequences to the patient. Fruit salts were declared as shown to be imported from Germany but actually contained tartaric acid put in bottles which originally did contain fruit salt and such substitution must have been most injurious to the patient. It is therefore very necessary that we should do all we can to prevent the sale of spurious drugs.

There are frequent prosecutions for offences of this kind. May I be allowed to refer only to two within the last three months in the city from which I come—Bombay? When giving judgment, the magistrate, Mr. Oscar Brown, in a particular case which he decided on the 17th of June last, observed as follows:

“I feel that the public need to be protected from such heartless exploitation of the sick and the injured”.

With this remark he passed a sentence of one month's rigorous imprisonment and a fine of Rs. 250 on Vadilal Mohanlal, an employee of a stationary firm, on a charge of selling spurious drugs bearing the trade mark of “Antiphlogistine”.

“The accused”, the Magistrate further commented, “exploited a well-known drug which is largely used by the medical profession and known even to laymen simply by the name. In case of dangerous illness incalculable harm may be done by the use of a drug which is not as efficacious as the one prescribed by a doctor”.

Now, it is well known that Antiphlogistine is made in America by the Denver Chemical Company. This one was made in India and it was in containers of a size and shape similar to the genuine stuff. The spurious stuff was inferior in quality. It was not antiseptic, bacteriostatic or germicidal. It was different in colour, smell and consistency from the genuine drug and much cheaper.

I will now quote another case which was decided only a week ago. I think the decision was published in *The Times of India* of the 11th of this month. The Chief Presidency Magistrate of Bombay, Sir Hormazdyar Dastur, thought it necessary to make the following observations:

“The sale of spurious articles and drugs is on the increase, and it is in the interest of the public that the sale of spurious drugs should be put down with a heavy hand”.

He sentenced the accused to one month's rigorous imprisonment and a fine of Rs. 300, or in default to three months' further imprisonment on a charge of selling spurious drugs. The magistrate further remarked:

“The sale of spurious drugs is not only a fraud on the manufacturer, but is a huge fraud on the public”.

This, Sir, related to Bayer's *cafiaspirin*.

Such spurious drugs are sold with impunity in this country. What is the remedy? The present legislation does not suffice for effective prevention and this I cannot better explain than by quoting the words of one who signed himself “A representative”, by which I suppose he meant that he was a representative of one of the manufacturers in Europe. He observes in a letter which he addressed to *The Times of India* as follows:

“With the present legislation in India it is no easy matter to put a stop to such practices, since unless the ‘get-up’ of the imitation is almost a word for word copy of the original article, it is difficult to prosecute criminally. In the case of colourable imitations, usually the procedure would be to institute a High Court case which may prove an expensive proceeding when it is considered that many of the imitators are persons without appreciable means who pack on a small scale until found out. It is the large number of such persons taken as a whole over the country, who constitute the danger. In many cases such manufactured goods are sent up-country where there is a far better chance of their being passed off as the genuine article than in large towns. If it were possible officially to register trade marks and registered designs or labels in this country, manufacturers would far more easily be able to take criminal action for infringements and colourable imitations. The greatest possible publicity is to be desired over this matter, and it is suggested that it may be possible for certain manufacturers to take some concerted action both through their representatives and channels at home to bring about official attention to the abuses due to the lack of trade mark laws”.

Government would like to know what changes we would like to suggest in the matter of legislation. Our recommendation is (1) that there should be a revision of the Merchandise Marks Act of 1889 and (2) also the adoption of a Trades Mark Registration Act and (3) finally such amendments of sections 468 and 481 to 488 of the Indian Penal Code as will be required to make offences covered by them cognisable instead of non-cognisable offences.

If Government cannot carry out all the recommendations of the Committee, I trust they will at least give effect to the recommendations I am making in my amendment and I hope the mover of the Resolution will be prepared to accept my amendment.

THE HONOURABLE THE PRESIDENT: To the original Motion an amendment has been moved:

"That at the end of the Resolution the following be added, namely:

'or, if for financial or other reasons he has to delay giving effect to all the conclusions of the Committee, to take early steps to pass legislation which would effectively prevent the sale of spurious drugs'.

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

THE HONOURABLE MR. RAM CHANDRA (Government of India: Nominated Official): Sir, the Honourable mover is an illustrious member of the medical profession and for that reason and in view of his intimate knowledge and long experience any views which he may express on the subject will deserve the fullest consideration and respect from this House and from Government. I am aware, Sir, that this important subject has aroused considerable interest and has been before the public eye for some time, particularly in recent years. As explained by my Honourable friend opposite, it was in this House that a Resolution was adopted in 1927 urging the desirability of legislation to control the indiscriminate use of drugs. The Honourable Member referred in his speech to the period that had elapsed between the passing of this Resolution and the appointment of the Drugs Inquiry Committee in 1930. The delay, I may explain, was due to the reference which it was necessary to make to Local Governments. The Council at that time realised that the adulteration of food-stuffs and other articles being a provincial subject it was really for Local Governments to take such action as they considered desirable and practicable. When the replies from Local Governments were received, the belief which existed before and which still exists was confirmed, namely, that the problem is full of complexities and is not susceptible of an easy solution. It was for that reason that Government decided to appoint the Drugs Inquiry Committee in 1930 to explore the scope of the problem and to make recommendations as to how the problem could best be solved. The Honourable Member said that the report of the Committee was before the public in March, 1931.

That, I am afraid, Sir, is not quite correct. The report did not appear in print until the end of 1931. However, that is a minor point. Honourable Members may well ask why Government have been so late in taking any action on this report? When the report was received by Government, they found that most of the recommendations concerned Local Governments. Some of them were their immediate concern. It was, therefore, necessary to refer the recommendations to provinces for their views and the last reply was not received until February, 1934. Our difficulty since then has been to decide how to proceed in the matter, as I hope to show later, in the face of the inability of the provinces to adopt any measures involving extra expenditure. The Committee's recommendations were numerous and covered a wide field. The Committee suggested that central legislation should be enacted and this suggestion received a wide measure of support all over the country. My Honourable friend opposite also has urged the desirability of undertaking such legislation as would effectively prevent the sale of spurious drugs. Now, Sir, such legislation already exists either in the Provincial Food and Drugs

Acts or in Municipal Acts, and before Government could embark on further legislation, it is obviously necessary to explore the reasons why the existing legislation has not proved effective. Even the Indian Penal Code contains provisions against adulteration of drugs. My Honourable friend, Sir Phiroze Sethna, referred to provisions relating to cheating. I would invite his attention particularly to sections 274 to 276 which deal with adulteration of drugs. With your permission, Sir, I will read section 275 which says:

"Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both".

The Honourable Sir Phiroze Sethna referred to the substitution of potassium bromide for potassium iodide. That substitution is covered by section 276 which says:

"Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both".

Then, Sir, coming to Provincial Acts, I shall first take Bombay, the presidency from which the Honourable mover of the Resolution and the Honourable Member who has suggested an addition to the original Resolution, come. Under the Bombay District Municipal Act, in section 142 it is provided that the president, vice-president or any councillor or any other officer authorised by the municipality in this behalf may inspect any article intended for human food or drink or for medicine and may seize that article if it is found to be unsound or unwholesome or unfit for human food or drink or medicine. The owner in whose possession such an article is found is also liable to punishment with fine which may extend to Rs. 100. A similar provision exists in the City of Bombay Municipal Act. In the City of Bombay, power to inspect and seize vests in the Municipal Commissioner. The Bengal Municipal Act and the Calcutta Municipal Act contain elaborate definitions of "adulteration" of drugs. If I may quote from an Act of another province, the Bihar and Orissa Prevention of Adulteration Act provides that whoever sells or offers for sale or exposes for sale or manufactures for sale any food or drug which is not genuine or which is below the standard prescribed by rule, shall be punished with fine which may extend to one hundred rupees. I shall not take up the time of the Council by quoting any further extracts from the legislation of other provinces. The question that naturally arises is why, if there are these statutory provisions already in existence, the evil should still exist? There must be some reason why these statutory provisions have not proved effective. I cannot do better in this case than to quote what the Drugs Inquiry Committee themselves said. They say:

"Special and comprehensive Acts exclusively devoted to either or both foods and drugs are of comparatively recent origin. Such Acts in most of the provinces are modelled on the English Food and Drugs Acts and contain provisions which more or less resemble each other. Even they have failed to take effect or improve the situation to any appreciable extent."

[Mr. Ram Chandra.]

The reason is given in the sentence that immediately follows :

“ The lack of definite standards and tests, the want of skilled experts and the absence of well-equipped laboratories and the requisite facilities to work them have stood as insuperable barriers in their way”.

That is the crux of the whole problem. Legislation, in order to be effective, and in order to achieve its real object, must be accompanied by measures necessary to enforce that legislation, and it was in realisation of this fact that the Committee suggested the setting up of organisations which would lay down standards and would provide the means of testing and analysing the drugs that are seized. The Committee suggested the establishment of a central laboratory, to be established by the Government of India, whose main function would be to prepare and maintain standards of purity, strength and quality and where biological products, that is to say, sera and vaccines, and organo-metallic compounds could be tested and analysed. The Committee realised that this central laboratory would not be able to cope with the testing and analysing of all drugs from the length and breadth of the whole country. They therefore suggested that provincial laboratories should be set up where other drugs could be analysed and tested. They also recognised that it was necessary for Local Governments to appoint inspectors who would be in a position to inspect manufactories and places of sale and pick up samples. In order to bring an offender to book it is essential that the sample seized must be capable of being analysed in a laboratory, where alone it could be determined whether it comes up to the prescribed standard of purity and strength or not.

Now, Sir, all these measures which the Committee suggested involve expenditure. It is unfortunate that the Committee did not give any idea of the cost involved in setting up these organisations. Our technical experts however made a rough calculation of the cost that would be involved in setting up a central laboratory with the staff recommended by the Committee, and the estimate was that it would cost Rs. 2 to Rs. 3 lakhs a year. But even if the Government of India could set up a central laboratory, it would not suffice to eradicate the evil, when the provinces have declared their inability to take any action in the direction recommended for them by the Committee. Now, Sir, no control could be really effective unless it covered both imported and locally manufactured articles and in regard to the latter simultaneous action is required in provinces. In this connection I may be permitted to quote a few extracts from the replies that we received from Local Governments, my whole object being to show to the House that it was the inability of the provinces to shoulder any burden which has so far prevented the Government of India from making any beginning. The Bombay Government said that unless their general financial condition improved very much, they saw no prospect of making budget provision on account of any measures which it may be ultimately decided to adopt in connection with the Committee's Report. The United Provinces Government remarked that in the present financial position they cannot commit themselves to anything which would involve fresh expenditure and that any decision on this question must wait for the rehabilitation of provincial finances. The Bengal Government were unable

even to utilise one of their existing laboratories as a test laboratory for reasons of financial stringency. The Madras Government said :

“ As the immediate establishment of central and provincial laboratories, which are essential for the working of the proposed Drugs Act, does not seem practicable in the present state of the finances of the Provincial and Central Governments, legislation for the control of drugs on the lines suggested by the Committee would presumably be undertaken only after the financial position of the Government of India has improved sufficiently to admit the establishment of a central laboratory”.

These replies are typical of the answers received from Provincial Governments. Now, Sir, unless simultaneous co-operation is forthcoming from provinces, any measure which the Government of India alone may be able to take would not be of any real value. I can however assure the House that the Government of India are alive to the seriousness of the situation and they are far from being unsympathetic. They now propose to inquire from the Local Governments again whether in view of the urgency of the problem they would now be prepared to take any further measures. The last reply, as I remarked before, was received in February, 1934. Nearly 18 months have elapsed since and if the reference which the Government of India are going to make to Provincial Governments elicits a more favourable response, the Government of India, although in their present condition they are unable to incur any substantial expenditure, will be prepared to consider carefully and sympathetically what action they could take to help in the effective solution of this problem. I admit that legislation does not require any funds, but I hope I have explained to the satisfaction of the House that further legislation would be a dead letter and would not achieve its real objective unless the measures necessary to enforce it were also adopted. In the circumstances, Sir, I hope the Honourable mover will be prepared to withdraw his Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : I rise to support the Resolution which has been so ably moved and so ably supported in this House. I am sorry that the Member from the Government side has put in a very weak defence. Sir, the Honourable Mr. Ram Chandra has said that even on a question where the life and death of the people is concerned, Provincial Governments are averse to expenditure on this vital matter. But example is always better than precept. In article 404 on page 159 of their report the Drugs Inquiry Committee recommended that a central laboratory should be established and maintained by the Governor General in Council. It may be located either at Bombay or Calcutta or elsewhere. It would have been much better if the Governor General in Council could have started this laboratory. While travelling in Europe in the year 1933 I was told on the Continent that it was better to get one's medical requirements there rather than buy imported medicines in India. I asked the doctor friend who advised me to do so, what was wrong with the drugs exported to India, he said their quality is very different from those that were consumed locally. In case some Provincial Governments are not prepared to undertake the expenditure, is it not the duty of the Government of India to have all the spurious medicines imported into India analysed at big ports ? My Honourable and esteemed friend Sir Phiroze Sethna has given a list of medicines which are generally spurious or adulterated and the use of which is proving injurious to the Indian people.

THE HONOURABLE THE PRESIDENT: Your contention is to punish the importer and not the manufacturer?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: No, Sir, I want to punish both, but as the quantity of the drugs imported forms a very big proportion of the medicines consumed, I would start with these imported medicines. My Honourable friend Mr. Ram Chandra has said that sections 274, 275 and 276 of the Indian Penal Code deal with this subject and people who violate the law can be punished under those sections. He also said that if the new legislation suggested by the Drugs Inquiry Committee were carried it would be a dead letter. May I ask him whether those sections in the Indian Penal Code are not a dead letter? There have been very few prosecutions under those sections. Sir, public bodies are not yet equipped with proper laboratories for analysing medicines and unless central facilities are furnished it is no use blaming the Indian Penal Code or anything else for not stopping the violation of those sections. Therefore, Sir, I beseech the Government not to ignore this question which concerns the life and death of the Indian people. I know that in the Punjab many people got seriously ill through the use of spurious Seidlitz powder, and things came to such a pass that many of the leading doctors would no longer prescribe Seidlitz powder.

Sir, the Indian Penal Code in section 272 also deals with adulteration of foods. What do we find in practice? That section has not been brought into operation to any extent and foodstuffs are sold in an adulterated state which seriously affect the health of the people: particularly ghee and butter are not generally free from adulteration. I would therefore request the Government to move in this matter and take effective steps to prevent spurious drugs being sold. The Resolution is a modest one and with the amendment of the Honourable Sir Phiroze Sethna it becomes much more so and I think it is the duty of the Government to see that the sale of spurious and adulterated drugs is stopped. As far as money is concerned, from my own experience I find that where there is a will there is a way and that applies to the Government of India in particular. When they want to spend money they will spend it like water without any consideration, but when they do not like to do it they will refuse. I know that when I was a member of the Retrenchment Committee we advocated that more funds should be allotted for Civil Aviation and the Honourable Sir George Schuster replied:

“Aviation is not of much use to India as it does not concern the farmer, the soil and so I do not like money to be devoted for this purpose”.

Soon after Sir George Schuster had retired, we see that the policy of the Government is changed and about a crore of rupees was provided in the budget last year for Civil Aviation. I say that it was rightly provided. This very proposal the year previous failed when I advocated that more funds ought to be provided. I simply give this illustration to prove the mentality of the Government. There is some policy behind allotments and that policy changes too quickly sometimes. Therefore, Sir, the question of finance cannot be urged and the Honourable the Finance Member can deal with his ways and means in a manner in which money can easily be found for this purpose.

With these words, I strongly support the Resolution.

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay: Non-Muhammadan): Sir, I do not propose to detain the House for long in supporting the Resolution moved by my Honourable friend, Dr. Sir Nasarvanji Choksy. I am glad, Sir, that as a medical man of influence, he has drawn the attention of the Government to the urgent necessity of taking action on the lines recommended by the Drugs Inquiry Committee which published its report four years ago. The Committee had come to the conclusion on the basis of a great mass of evidence placed before it that the adulteration of drugs in this country was an evil which needed immediate attention. Not long ago, Sir, in answer to a question in the other House, the spokesman for the department of the Government in charge of the subject explained that legislation on the lines recommended by the Drugs Inquiry Committee would involve both the Central and Provincial Governments in expenditure which cannot be afforded during a period of financial stringency. Sir, it is difficult to believe that the Government of India cannot find funds for this most essential need. I do not know, Sir, whether the Government's advisers have worked out the actual cost of establishing a central laboratory as suggested by the Committee—

THE HONOURABLE MR. RAM CHANDRA: I explained that and I gave the figures in my speech.

THE HONOURABLE MR. SHANTIDAS ASKURAN: It would be interesting also to know whether the Government sought the advice of the Director General, Indian Medical Service, and the Public Health Commissioner on this question. I hope, Sir, that when the Government Member replies to the debate today, he will deal with this point.

Layman as I am, I cannot help thinking, Sir, that the advantage to millions of people in this country of ensuring proper standards of purity and strength for drugs would have been of such a character as to induce the Government to spend money on the equipment of a central laboratory. It is certainly no credit to the Government to plead lack of funds where the health and welfare of the people are concerned, especially when large amounts of money are spent by the Government on less urgent needs. Only a few weeks ago, Sir, the Secretary to the Federation of Indian Chambers of Commerce invited the attention of the Government to the growing dimensions of this scandal of adulteration of drugs. From that memorandum it is clear, Sir, that the evil has grown enormously since the Committee made its report. I hope most earnestly that as a result of today's debate the Government of India will at last move in the matter.

I must confess, Sir, that I cannot understand how lack of funds can prevent the Government of India from taking any action in regard to the numerous recommendations of the Committee. Can it seriously be maintained, for instance, that passing legislation to control patent medicines, specially those with a secret formula, would cost the Government an appreciable sum of money? Is it reasonable, Sir, to ask us to accept that plea as sufficient reason for doing nothing so far to develop the drug industry in this country? If the Government of India will pay serious attention to such recommendations of the Committee as the reduction of railway freight on raw materials and indigenous drugs manufactured in India, the purchase of the required supplies

[Mr. Shantidas Askuran.]

of medicinal preparations, surgical dressings and chemicals, etc., from Indian manufacturers, the fostering of a pro-Indian policy by the Government medical stores depots, I am sure, Sir, that considerable sums of money which now go out of India will be retained in the country and lead to a development of the drug industry.

Lastly, Sir, I want to make a few observations on the quinine policy of the Government of India. The Chopra Committee was responsible for the statement that there are in India over a 100 million untreated cases of malaria in a year and of these barely 8 per cent. receive complete or partial treatment. As a business man, Sir, I am particularly impressed by the following observations of the Committee (page 147) :

" Figures have not been worked out for India but, according to Andrew Balfour's estimation, the direct loss sustained by the British Empire due to sickness and death caused by malaria amounted to between £52,000,000 and £62,000,000 annually. The share of India might easily be over a half of these amounts "

I would also like to draw the attention of the Government to the report which was published two years ago by Sir John Megaw on the conditions of health in the rural areas of India. Sir John Megaw estimated that the number of cases of malaria in this country exceed 50 millions in a normal year and may be double that number whenever there is an epidemic of malaria. He also estimated that the total number of deaths from malaria alone in this country is between one and two million per year. Sir, may I ask what the Government has done to remedy this grave state of affairs ?

Medical workers engaged in research have repeatedly pointed out the great economic loss to the country through the high mortality from malaria and the inefficiency of those who are sufferers from the disease. Sir, I take the following figures from the report of the Committee. The consumption of quinine per head in India is only $3\frac{1}{2}$ grains against 16 in Italy and 24 in Greece. In Bengal, which is the worst affected province, the consumption per head ranges between 1 and 2.6 grains. The Bombay Medical Union estimated the maximum potential demand of quinine at 1.5 million pounds per year and pointed out that when thirty years ago the Italian Government made quinine a State industry and reduced its retail price, consumption increased enormously in that country and led to a remarkable decrease in malaria mortality. Dr. Bentley who spent many years in Bengal and was regarded as an authority on malaria in that province estimated that 100,000 lbs. of quinine was the minimum requirement of Bengal alone.

But what is the actual state of affairs in this country ? According to the Chopra Committee, only 200,000 lbs. are consumed of which the state-owned plantations in Bengal and South India produce 70,000 lbs. and the rest is imported. If these figures of experts may be taken as correct, it means that the consumption of quinine in India can and should be increased several times over if the vast majority of sufferers from the disease are not to go without any treatment at all. And, Sir, can the Government of India show adequate reason for ignoring the important recommendations of the Committee in extending the cultivation of cinchona in this country ? The Royal Commission on Agriculture also dealt with this subject in great detail and eminent

witnesses before that Commission laid stress on the great need for taking active steps in this direction. Sir, the Chopra Committee was definitely of the opinion that Indian plantations of cinchona could in time be enlarged sufficiently to make India entirely independent of foreign supplies of quinine.

THE HONOURABLE THE PRESIDENT: Will you please bring your remarks to a close ? Your time is up.

THE HONOURABLE MR. SHANTIDAS ASKURAN: There was considerable evidence before the Committee, Sir, to prove the gross adulteration of quinine sold in this country. I am quoting the very words of the Committee in saying that the state of affairs regarding the adulteration of quinine and its preparation is alarmingly serious. It is for medical men to say how far they agree with the Committee that other alkaloids of the bark could be utilised in India. But it is on record in the pages of the report that the problem of making India self-supporting in the matter of malarial treatment could be solved in the course of a few years.

I understand, Sir, that there was a statement on this very subject in the other House yesterday ; but I regret to note that the answer of the Government was extremely unsatisfactory. It is no use, Sir, attempting to throw the blame upon Local Governments. The Government of India have accepted responsibility in regard to many subjects which are just as much provincial as Public Health. There is, for instance, the Imperial Council of Agricultural Research. Recently, Sir, they have also started the Bureau of Industrial Intelligence and Research. But why has nothing been done to take similar steps to develop an all-India policy in matters of public health and why do the Government look on passively when millions of people die from disease for which a remedy is obviously open ? Sir, I hope the Government will forgive me for saying that this policy of inaction cannot earn for them the goodwill and gratitude of the people.

THE HONOURABLE THE PRESIDENT: I cannot allow the Honourable Member to go into a new question at this stage. Will the Honourable Member please resume his seat.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, I had no intention of intervening in this debate but I was disappointed with the reply which the Honourable Mr. Ram Chandra gave to the Resolution. I had thought that the Government would be more sympathetic and the small expenditure, after four years of waiting would not be too much for the Government. Sir, the fact that it concerns the health of Indians is sufficient to show why we insist that even at something of a cost to the Central Legislature, the Government should embark on this scheme as embodied in the recommendations of the Drugs Inquiry Committee. It would have been sufficient for us to say that all the actions which they have recommended should be taken, but we take care to say that if the state of their finances does not allow the Government to go the whole hog, they should at least take some steps in that direction in order to assure us that, as funds become available, more elaborate and bigger things would be done. Now, Sir, Mr. Ram Chandra's first difficulty was that he could not find the money. May I suggest to him that there is a Silver Jubilee Fund accumulated to the extent of a crore and a quarter out of which His Excellency the Viceroy could have made a grant for the establishment of this laboratory and a capital fund for this

[Mr. Hossain Imam.]

purpose. Then, Sir, there is another source which is a very fruitful source of income at the present moment, that is the cess. We could have some sort of cess on drugs produced in or imported into India and thereby establish an independent source of income. Just as cotton has got a cess, and sugarcane is going to have, and tea and lac have funds, why not have a fund for medicine as well? When Government wants to do a thing they can always find means. It is only when they do not want to do it that they bring forward any amount of excuses to delay matters. Sir, you yourself are well aware how the lawyers twist the words of the Legislature. Section 275 which has been so ably quoted by my Honourable colleague, Mr. Ram Chandra, says, "who knowingly....." Well, that word "knowingly" is such a wide and expressive word that I can assure you that in 99 per cent. of cases they would go free if prosecuted under that section. The words usually used in the Penal Code are rightly more stringent because our first principle is to safeguard the innocent from any prosecution. We presume, Sir, that everybody is innocent until he is proved guilty and therefore the penal laws always make knowledge a specific part of crime and without knowledge nothing can be called a crime except in emergency legislation which has been passed by the Government in which even the intention does not count.

Sir, then you see in section 272 :

"Whoever adulterates any article so as to make such article noxious as food or drug—"

THE HONOURABLE MR. RAM CHANDRA : I did not quote section 272. I quoted section 276.

THE HONOURABLE MR. HOSSAIN IMAM : Well, "whoever knowingly sells" again the word "knowingly" comes in. And then there is another provision—"as a different drug or medicinal preparation". Who knows it is a different drug? No one can know a drug coming in wrappers, what it contains, unless steps are taken by the Government to insist on formulas appearing on drugs. They should be certified by medical experts. It is necessary that the drugs manufactured in India or imported into India should be subject to a certain formula. And if we have an arrangement to give a certificate, then all the sections of the Indian Penal Code would come into operation because if anybody sells a medicine which does not come up to the Government formula, he would knowingly be committing a crime. But until you have got provision for issuing certificates, all these laws are dead letters and inoperative.

Then, Sir, the fact must not be lost sight of that at the present moment the death rate in India is very great. In order to check that, it is essential that we must have cheap drugs, and in order to have cheap drugs, it is necessary that manufactories should be established in the country. I would ask the Government, if they are not prepared to go so far as to adopt all the recommendations of the Drugs Inquiry Committee, at least to pass legislation and establish certification, so that the penal sections may become operative or, as my Honourable friend, Sir Phiroze Sethna, has suggested, the Act should be so amended as to bring all these things within the purview of the penal sections.

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

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Sir, I do not speak now in reply to the observations made by my Honourable friend Mr. Ram Chandra either as a politician or as a financier, I do speak however as a medical man with 52 years' experience, as one who has had to deal with thousands of patients belonging to the masses. I say that the evil is admitted. It is admitted that adulteration of drugs is going on on an extensive scale and that our patients do not receive the drugs that we prescribe for them in their purity or proper strength. What is the effect of that? While Government have been adopting measures to prevent illness and undertaking researches, when these researches are sought to be applied in a practical manner, the resources at our disposal are most unreliable! It is indeed disheartening to hear of this *non possumus* attitude on the question of finance. Whether the Local Governments are able to finance or whether the Government of India are able to finance, that is not the issue. I believe that the Central Government should set an example. Let them but set an example to others. Let them organise two or three laboratories or expand those in existence and show how this can be done. The provinces will then follow. But to say that we should postpone everything to the Greek Calends is certainly not calculated to enhance the prestige of Government. I speak for the people for and with whom I have worked. I have devoted all my life to relieve pain and suffering and I cannot help saying that some measures must be taken immediately as the evil is fast growing and will grow on—for how long, I cannot foresee. In the meanwhile, we do not supply what the people want and they suffer both in health and pocket. This is not calculated to enhance the prestige of India.

THE HONOURABLE THE PRESIDENT : Honourable Mr. Ram Chandra, do you wish to make any reply?

THE HONOURABLE MR. RAM CHANDRA : With your permission, Sir, I will just say a few words. I do not propose to go over the ground which I have already covered, but I feel it my duty to answer some of the criticisms that have been made by Honourable Members on the other side. It was alleged that Government were not doing anything for the treatment of the people who were dying daily in such large numbers of malaria. The Honourable Member seems to have forgotten that Medical Treatment is a responsibility of Provincial Governments. Then, my attention was drawn to the fact that Government are spending money on industrial research. I can assure the House that Government are spending a great deal of money on medical research also. There is the Central Medical Research Institute at Kasauli. Besides, the Government of India make a substantial contribution towards the Indian Research Fund Association, and there is also the All-India Institute of Hygiene and Public Health in Calcutta. My Honourable friend Mr. Hossain Imam desires that every medicine should bear a certificate. I would like to ask him how this is practicable? There are millions of medicines sold in India and it will be an enormous task—

THE HONOURABLE MR. HOSSAIN IMAM : It is done in other countries also.

THE HONOURABLE MR. RAM CHANDRA : I can assure my Honourable friend that in England there is no law controlling the proprietary and patent medicines.

THE HONOURABLE MR. P. N. SAPRU : There ought to be here.

THE HONOURABLE MR. RAM CHANDRA : But there is none in England.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Does it follow that because there is no such law in England, there ought to be no such law in India ?

THE HONOURABLE MR. RAM CHANDRA : I do not say that because there is no similar law in England, there should be no such law in India. All that I wanted to point out was that in England, where the Therapeutic Substances Act exists, where the Food and Drugs Act exists, where they are in a position to lay down the standards, they have not been able to get sufficient public support for the control of patent medicines and drugs.

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

THE HONOURABLE MR. RAM CHANDRA : The Honourable Member will find the information in the Drugs Inquiry Committee's Report.

The Honourable Mr. Hossain Imam wanted an assurance from Government that they would be prepared to make a small beginning. In that connection, I can only repeat what I said that if the Government of India find that the provinces are willing to implement their part of the Committee's recommendations, or at least to take such action as is immediately necessary, the Government of India would be prepared to consider what beginning to make, and although in the present circumstances they are not able to incur any substantial expenditure, they will be able to make a beginning however small it may be.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Why should not the Government of India set an example to the provinces ?

THE HONOURABLE MR. RAM CHANDRA : It is not much use the Government of India making a start on their own, as I have already explained. It is for the provinces also to co-operate. The Government of India could perhaps pass legislation regarding the control of imports, but the control of locally manufactured articles is also important. If locally manufactured articles are not to be controlled, control of the imported article alone will be useless.

I have nothing more to say, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member consider the desirability of convening a conference under the presidency of the Director of Public Health and with medical representatives from the Provincial Governments to decide what immediate action should be taken ?

THE HONOURABLE THE PRESIDENT : There is the Report of the Drugs Inquiry Committee and any such action will be needless. Do you wish to press this Motion, Sir Nasarvanji Choksy ?

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Yes, Sir. In the first place, I must say that I accept the amendment.

THE HONOURABLE THE PRESIDENT : That is my business. You please say whether you wish to press your Motion ?

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Yes, Sir.

THE HONOURABLE THE PRESIDENT : I will put the amendment first. The amendment is :

" That at the end of the Resolution the following be added, namely :

' or, if for financial or other reasons he has to delay giving effect to all the conclusions of the Committee, to take early steps to pass legislation which would effectively prevent the sale of spurious drugs '."

The Question is :

" That that amendment be made ".

The Council divided :

(As the division bell was ringing.)

THE HONOURABLE MR. HOSSAIN IMAM : As the Honourable mover has accepted the amendment, is it necessary to put it to the vote ?

THE HONOURABLE THE PRESIDENT : I have to put it to the Council. The Honourable Member may accept the amendment but the Council may not. The House has not accepted the amendment. I have to put the amendment to the House and find out whether the House accepts the amendment.

AYES—24.

Askuran, The Honourable Mr. Shantidas.

Banerjee, The Honourable Mr. Jagadish Chandra.

Barua, The Honourable Srijut Heramba Prosad.

Buta Singh, The Honourable Sardar.

Campbell, The Honourable Mr. G. R.

Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.

Ghosh Maulik, The Honourable Mr. Satyendra Chandra.

Gounder, The Honourable Mr. V. C. Vellingiri.

Habibullah of Dacca, The Honourable Nawab Khwaja.

Halim, The Honourable Khan Bahadur Hafiz Muhammad.

Hossain Imam, The Honourable Mr.

Jalan, The Honourable Rai Bahadur Radha Krishna.

Kalika, The Honourable Mr. V. V.

Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.

Mitha, The Honourable Sir Suleman Cassim Haji.

Muhammad Din, The Honourable Khan Bahadur Chaudri Nawab.

Naidu, The Honourable Mr. Y. Ranganayakalu.

Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.

Parker, The Honourable Mr. R. H.

Raghunandan Prasad Singh, The Honourable Raja.

Ram Saran Das, The Honourable Rai Bahadur Lala.

Sapru, The Honourable Mr. P. N.

Sethna, The Honourable Sir Phiroze.

Sinha, The Honourable Kumar Nripendra Narayan.

NOES—19.

Brayshaw, The Honourable Sir Maurice.	Maqbul Husain, The Honourable Khan Bahadur Shaikh.
Charanjit Singh, The Honourable Raja.	Menon, The Honourable Diwan Bahadur Sir Ramunni.
Devadoss, The Honourable Sir David.	Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Dow, The Honourable Mr. T. M.	Ram Chandra, The Honourable Mr.
Ghosal, The Honourable Mr. Jyotsnanath.	Sloan, The Honourable Mr. T.
Hafeez, The Honourable Khan Bahadur Syed Abdul.	Spence, The Honourable G. H.
Haidar, The Honourable Khan Bahadur Shams-ud-Din.	Stewart, The Honourable Mr. T. A.
Johnson, The Honourable Mr. J. N. G.	Tallents, The Honourable Mr. P. C.
Kameshwar Singh of Darbhanga, The Honourable Maharajahdiraja Sir.	Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Macqueen, The Honourable Mr. P.	

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: I will now put the original Motion as amended:

"This Council recommends to the Governor General in Council to initiate early measures to implement the conclusions of the Report of the Drugs Inquiry Committee, or, if for financial or other reasons he has to delay giving effect to all the conclusions of the Committee, to take early steps to pass legislation which would effectively prevent the sale of spurious drugs".

The Question is:

"That that Resolution be adopted".

The Motion was adopted.

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

The Council re-assembled after Lunch at a Quarter Past Three of the Clock, the Honourable the President in the Chair.

RESOLUTION *RE* REMOVAL OF SEX DISQUALIFICATION AND ENFRANCHISEMENT OF WOMEN QUALIFIED TO VOTE AT COUNCIL OF STATE ELECTIONS.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, I rise to move:

"This Council recommends to the Governor General in Council to remove the sex disqualification and to enfranchise the women having requisite qualification to vote at the Council of State elections".

This Resolution, Sir, is so uncontentious and I should say so very mild that I need not inflict a speech on the House. As a matter of fact even in India at the present moment the Council of State has the unenviable distinction of being the only legislative body which makes sex the reason of disqualification for women. In all the Local Councils and in the Legislative

Assembly the disqualification against women has been removed. In the New Constitution women have been enfranchised for all these legislative bodies. The procedure which was adopted in the case of other legislative bodies was that the Government of India Act allowed all the Local and Central Legislatures the power to remove the disqualification whenever they wished by means of a Resolution of the House. All the other Houses of the Legislatures in India have taken advantage of this section of the Government of India Act to enfranchise the women except the Council of State. Most probably it was due to the fact that no one looked into the matter that it has remained so long and it is about time when we are to have the last election under the old constitution to do away with this thing. We were wiser than our masters, the Englishmen who had to be egged on by the Suffragettes to give the powers to the gentler sex. We took our lesson from our masters and we have given what was to be given before we were forced to give in. I hope this House will accept this Resolution of mine.

Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, after what has been said by the Deputy Leader of the Progressive Party, I have nothing very much to add. He has made a good case for himself that women should be enfranchised under the old constitution in the Council of State. The idea is a novel one and I give it my full support.

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I support the Resolution. As has been observed by the Honourable mover, for elections to the Provincial Councils and the Legislative Assembly, women are entitled to vote; but, Sir, for some reason or other this right has not been given to women for Council of State elections, probably because of the failure on the part of any Member of this Council to move on behalf of women. Sir, it could not be said that this would mean any administrative difficulties, that it would not be possible to have the votes of the women voters recorded for election for the Council of State, for, Sir, as you know, the voting for the Council of State is done by means of post. Voters have not got to go to any polling booth: they have simply to record their vote and send the voting paper by post. It would therefore be very easy to effect this modification. Again, Sir, under the New Constitution, too, it is necessary—

THE HONOURABLE THE PRESIDENT: They have to go to the polling booth.

THE HONOURABLE MR. HOSSAIN IMAM: No, they send it by post.

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR: Not for the Council of State, Sir; it is done only by post. In the New Constitution also this fact was overlooked and I think it was simply because of the fact that the recommendations were made by the Joint Select Committee on the basis of indirect elections: but since recently, Sir, there has been a modification in this respect and the present Government of India Act

[Saiyed Mohamed Padshah Sahib Bahadur.]

allows elections to the Council of State to be direct. In these circumstances it is very necessary that this provision should be embodied in the New Constitution also.

THE HONOURABLE MR. T. SLOAN (Home Secretary): Sir, there are in fact three disqualifications against women. There is first a disqualification from being admitted to the electoral roll; there is second a disqualification against being elected as a Member of the Council of State; and there is third a disqualification against being nominated as a member. I understand that this Motion refers only to the first.

THE HONOURABLE MR. HOSSAIN IMAM: Yes, Sir.

THE HONOURABLE MR. T. SLOAN: The effect will be, if this Motion is carried, that women will be eligible to have their names placed on the electoral roll, but will still remain disqualified from becoming Members of the Council, either by election or by nomination. Now, Sir, I may say at once that the attitude of Government to this Resolution will be one of strict neutrality, in this sense that the Members of the Government of India will not vote and the official Members will be left free to vote according to their own consciences. I may also just add that if the Resolution had gone further and had been for the removal of all three disqualifications the attitude of Government would have been exactly the same, and that by limiting the Resolution to the one disqualification we are actually lagging behind the Legislative Assembly. I think, Sir, I need say nothing more.

THE HONOURABLE MR. HOSSAIN IMAM: I have no reply to make, Sir.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council to remove the sex disqualification and to enfranchise the women having requisite qualification to vote at the Council of State elections".

The Question is:

"That that Resolution be adopted".

The Motion was adopted.

RESOLUTION *RE* RECRUITMENT OF 100 BRITISH SERVICE OFFICERS FOR THE INDIAN ARMY.

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 not to repeat the expedient of recruiting 100 British officers to meet the shortage in the Indian Army of officers recruited between the years 1921 and 1930".

Sir, the question of speeding up the pace of Indianization has been receiving the serious attention of our countrymen for a very long time and several and pressing demands have been made both in the press and from the platform. Many Resolutions have been adopted both in this and the other House and several committees have sat since then. Sir, we all know that from 1917 a number of committees and commissions were set up to determine what pace of Indianization should be accepted. We had the Committee of Lord Rawlinson,

RECRUITMENT OF 100 BRITISH SERVICE OFFICERS FOR THE INDIAN ARMY. 147

we had the Skeen Committee, and a definite Resolution was also moved in the Legislature by which 25 per cent. annual vacancies was to be secured for Indians and the other 25 per cent. was to be increased gradually to make up 50 per cent. This Resolution was accepted by the Government but I regret to say that no action has been taken so far. It was not the opinion of a mere Sivaswamy Aiyer or a Jinnah but of the Shea Committee that the complete Indianization of the army within 40 years was a practical proposition. The question was, Sir, also taken up by the Defence Committee of the Round Table Conference which was of the opinion that the pace of Indianization be accelerated. But with all that, Sir, what do we find? We find that there was a shortage of 100 Indian officers in the army between the years 1921 and 1930 and that they were recruited from British officers without paying any heed to the solemn promises made in answer to the Resolutions or to the recommendations of some of the very important committees. Sir, yesterday I put some questions and His Excellency the Commander-in-Chief was pleased to reply to them as follows. In answer to my question:

"Will Government be pleased to state the reasons which led to the recruitment of 100 British officers to meet the shortage in the Indian Army of officers who were recruited between the years 1921 and 1930".

His Excellency the Commander-in-Chief was pleased to reply:

"Owing to over-recruitment during the war and under-recruitment in the years immediately succeeding it, it recently became necessary, in order to maintain the proper proportion of officers in the different ranks, to eliminate from the Indian Army a large number of senior officers and take on 100 less senior officers. It is for this latter reason that it was recently decided to revive the practice, which had been held in abeyance for a few years, of allowing transfers from the British Service, and invite applications from officers of the required seniority".

Sir, the question is why a large number of senior officers were eliminated before Indian substitutes were found for them. What Government ought to have done was to have eliminated these senior officers when they found substitutes by and by. But that was not done. They could have done one other thing. They could have increased the admissions in the Military Academy at Dehra Dun from 60 say to 100 or 120 and by that they would also have found officers which Government wanted to substitute as indicated by His Excellency the Commander-in-Chief.

Then, Sir, another question I put was:

"Were Indian officers not available by promotion?"

and His Excellency the Commander-in-Chief was pleased to reply:

"No. Accelerated promotion of junior Indian officers, even if it were desirable, would not achieve the desired object of adjusting the numbers of officers commissioned in the various years to the proper proportions".

The third question I put was:

"Is it a fact that this was done for the sake of providing better emoluments for the British officers?"

and the reply was:

"Certainly not. It was done in the interests of the Indian Army".

Sir, I admit that it was done in the interests of the Indian Army but I must say that the question of the expenses also ought to have been taken

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

into consideration. We all know that besides the higher pay that the taxpayers of this country have to pay for British officers, we have also to pay overseas allowances and leave allowances to an extent which we have not to pay to officers recruited in this country.

Now, with your permission, Sir, I will take a paragraph from *A Summary of Important Matters connected with the Defence Services in India, 1934-35*, which has been recently supplied to us by the Army Department. And what do we find on page 11 of this leaflet. The paragraph runs thus :

"During the Great War the cadre of Indian Army officers was considerably expanded to meet the needs of the situation. After the war a large number of these additional officers were no longer required and were disposed of between the end of the war and the year 1922, but owing to the large number of casualties which had occurred among the pre-war officers it was impossible to space out the post-war cadre in such a way as to ensure an even turnover from year to year".

Sir, in the latter portion of this paragraph it is said :

"For this purpose it was decided to eliminate from the active list some 400 officers during the next six years and special terms have been sanctioned for them. These officers will not be wholly lost to the army as they will be transferred to a Special Unemployed List until they attain the age of 50 during which period they will be liable to recall in an emergency".

By reading this paragraph we come to the conclusion that during the Great War the cadre of the Indian Army officers was considerably expanded and hence, Sir, I do not see any reason why, if the necessity has arisen at this time for the recruitment of 100 British officers, why the cadre was not expanded ? If it was done at that time which has been admitted by the department, it could be done at this time also so that these 100 officers of this country may not have been replaced by British officers.

Then, Sir, we also find from this paragraph that 400 officers will be eliminated from active service and they will be kept on a special unemployment list. I submit, Sir, that if this is the situation, the elimination of these officers instead of six years as is written in this paragraph, could have been spread over to 10 or 12 years and the officers coming out from the Military Academy of Dehra Dun would have been substituted by and by. So, Sir, the result is that, if there is a will there is a way. If the Government wants that the pace of Indianization should be accelerated as demanded by our countrymen, they can find so many ways and means as I have just stated from their own answers and from the quotations from the leaflet issued by the department. But if there is no will, so many excuses can be found. Sir, when this communiqué was issued, some reasons were given for not finding out new recruits. They were that the recruits were not found owing to war weariness, disarmament talks, post-war boom and uncertainty caused by the political situation. Sir, if they are valid, they are as good for recruitment in Britain as they are in India. If it can be applied more correctly, it can be applied to that country instead of to this country. Sir, I would like to submit that even if candidates were available in abundance, even if there are no dearth of candidates, Government out of regard to the pressing demands of this country ought to have given preference to officers recruited in this country. So, my object in moving this Resolution is to express disapproval of the action that has been taken by the

Government in this connection and to request with all the emphasis at my command that this should not be repeated in future. I hope the House will agree with me and that the Government will accept this Resolution of mine.

With these words, Sir, I move.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I quite understand the language the Honourable Member has used in regard to this Motion because I am quite certain that he thinks that his arguments are absolutely true, and if they were true, those arguments he has used would be very effective. But I would venture to point out to him and to the House that I think he has entirely failed to understand the reasons which prompted the Government of India to try and get a certain number of officers from the British Service transferred to the Indian Army under the circumstances in which we found ourselves. I suggest also that he is wrong in his main argument that those officers could perfectly well have been found in India. I would like to tell him, and I hope to be able to explain to him, that I do not think—in fact, I am quite certain—that those officers could not have been found in India.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Not even by promotion from the junior ranks ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I will allude to that during the course of my speech. It is really quite useless, if I may put it in this way, for me or anybody else to take lessons from a conjuror in producing rabbits out of a hat, if in fact we do not first go through the process of catching our rabbit, and the rabbit in this case is not to be found in India. I know quite well what the Honourable mover and probably certain other Honourable Members opposite will say, that the rabbit is in fact to be found in India and it is better to have one Indian rabbit in the hand rather than two British rabbits on a troopship coming out to take the places which Indians should take. But the fundamental error into which the Honourable mover has fallen—and a great many other people beside him have fallen into the same error—is that the reductions which were forced upon us owing to the immense expansion of the army during the war were not in fact to reduce a mere surplus of officers. We did not reduce 400 officers because we wanted so many hundred less officers in the army. These reductions were forced upon us to readjust the proper proportion of subalterns, captains, majors and colonels in the army. I will read to you what the exact situation is. The ideal of course would be to have an even intake which in the past in normal times amounted to about 110 or 120 officers per annum. But the Great War destroyed all those normal arrangements, and the present state of affairs is that we have in the Indian Army, out of some 3,000 officers, only some 500 who were commissioned before the war, which includes generals, colonels, lieutenant-colonels and majors, 1,562 who were commissioned in the six years of the war—what we call the war block,—1914 to 1920, and only 552 including Indians in the ten years from 1921 to 1930. Therefore, an adjustment of this state of affairs was absolutely necessary, and I would ask my Honourable friend and his friends to believe me that the bringing in of these 100 officers is in no way a deep laid plot to oust the young Indian gentlemen from their right to get promotion or commissions nor is it in any sense whatever a deep laid plot to slow up the progress of Indianization. Everybody knows that the cause of the block was the immense expansion of

[His Excellency the Commander-in-Chief.]

officers during the war years, and in those years, a great number of officers joined up, all of much the same age, and in a very few years there was an immense block and but for this axing we had to undertake they would have passed slowly up the ladder of military promotion causing blocks in each rank as they went—captain, major, colonel and so forth—and that block would have become worse and worse as the senior ranks were reached where fewer officers were required. If no steps had been taken by us to adjust that state of affairs, the country would have been faced in a few years with having to pay for a large number of senior officers at high rates of pay for whom there would have been no appointment or who would have been crowded out. After the war, the actual total number of officers in the Indian Army was reduced and no less than 1,859 officers left the army in the years 1922 and 1923. But, although that very large number left, it was still impossible to effect the correct proportion of officers between the different ranks and we were left with a very bad and a very abnormal distribution of them. So, in the end, having tried several ways to induce officers of a particular rank to go, by offering them terms, which were not successful, we had to steel our hearts and agree to actual axing and dispensing with the services of no less than 400 officers who had their careers cut short just at a time when they had every reason to suppose they ought to benefit by their long and good service to the country. This had to be done in large numbers and fairly quickly. In fact, those 400 officers who are going have to go because they came in the fat years of the expansion of the war and the 200 whom we have taken in from the British Army have come in order to fill up the gaps which were caused by the lean years of recruiting of officers since the war. But I would ask the Honourable mover to remember that we are not taking in those 200 officers of any rank and of any age just as we get them. These officers are being picked by age, by rank and by training to fit into certain actual places in the army where there is now a gap, and I would ask him to believe that no such officers, or only a fractional number, exist in India at the moment. If, as he suggested just now, we took Indians to fill these actual places by accelerated promotion, we should have a large number of very young Indian officers promoted by acceleration to positions for which they were not properly trained or for which they had not sufficient service, and they would be serving alongside British officers older than them but holding inferior positions, and it would have caused the greatest discontent. And if on the contrary you had carried out his other suggestion, which was to bring in a large number of young officers from the bottom, to take in 100, 200 or 300 young officers over and above what there are already in the Indian Military Academy, the Indian Sandhurst, we would simply have arrived at exactly the same position at which we have arrived now. They would all be of much the same age and would pass up in a solid block and crowd each other at every stage of promotion, and eventually they in their turn would have to be axed. It would have been impossible. In addition these officers are not required in a few units. They are required in every unit in the army, and if we had taken a large number of Indian officers we should have had to put Indian King's commissioned officers into units all over the army which are not now reserved for the process of Indianization, and that also would have been impossible under the policy which has been approved of by both Governments. It may seem very simple to the Honourable mover, but what I have

said is the truth, and if he presses this Motion to a division and if the House agrees with him I venture to suggest to them that it would merely be passing a meaningless Motion, for it would be passing a Motion advocating a course of action which is in fact impossible.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): May I ask His Excellency to explain to us whether this experiment is to be repeated again and again?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I hope not. May I suggest, Sir, with regard to that that it would never have been carried out had we not realised that we were in a position of the greatest danger. We were axing 400 officers and we were thereby cutting out 400 officers out of what we might call the middle piece of the officer cadre of the whole army and we would have been left without them—a most dangerous position.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I interrupted His Excellency when he was speaking and asked him whether by promotion from the junior ranks such officers could not have been found. His Excellency promised that he would deal with this matter—

THE HONOURABLE THE PRESIDENT: He has dealt with it. He has given the reasons why it was impossible to promote young officers.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I said that that would have meant accelerated promotion of officers not yet fitted for it and which would have caused grave discontent among their fellow officers.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh): I need hardly say that Indianization of the army is ardently desired by us all but, at the same time, we must admit that 100 trained Indian officers cannot be produced in a day. His Excellency the Commander-in-Chief, as explained by him just now, finds that the Indian Army is in need of 100 trained officers immediately, and I think the demand must be met. The Honourable Member is aware that the process of recruitment and training of Indian officers is now in full progress. I hope he will agree with me that with the skies overcast by war clouds, as they are at present, the efficiency and strength of the Indian Army should not be allowed to deteriorate. I would request the Honourable mover to withdraw his Resolution.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEH-ROTRA: Sir, I am very thankful to His Excellency the Commander-in-Chief for the moderate speech he has delivered in reply to my Resolution which was also a very moderate one. His Excellency said that all the officers could not have been found. I quite agree with that, but my contention was that as many as could be found ought to have been recruited.

THE HONOURABLE THE PRESIDENT: His Excellency said that there was not even the smallest fraction available. Those were the words His Excellency used.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEH-ROTRA: Sir, I stand corrected. I thought His Excellency said that all the officers could not be readily found. But I fail to understand one point. If Indian officers were to be found in such large numbers during the war and if young men were given such opportunities what was the reason that at present

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

when there is no war on why could they not be promoted to responsible posts? After all, they were tried once and a large number of officers were recruited and they proved successful during the Great War. If that trial would have been repeated this time also I think there was not much danger. However, Sir, so far as this Resolution is concerned His Excellency was pleased to give the assurance that it is not going to be repeated as far as possible in future, and with this assurance I am prepared to withdraw the Resolution and ask the leave of the House to do so.

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

INDIAN MILCH CATTLE PROTECTION BILL.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I move :

"That this Council do recommend to the Legislative Assembly that the Bill to protect the Milch Cattle be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 12 Members".

Sir, the subject-matter of the Bill is of very great importance to the very existence of the Indian nation. It is an open secret that the longevity of Indians is decreasing day by day for want of pure and wholesome food. The climate of India is not suitable to meat eating. The men of olden days used to live long and the children of the soil were healthy as they got a sufficient supply of pure unadulterated milk, butter and ghee.

THE HONOURABLE MR. HOSSAIN IMAM : On a point of order, Sir. Is it in order to make a speech on a Motion of this nature?

THE HONOURABLE THE PRESIDENT : If the Honourable Member proposes to do so I cannot stop him. Will you please be as brief as possible?

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : If a country is to have a sufficient supply of all these articles of food then it must have a sufficient number of good milch cattle. Sir, the Bill is not designed on any communal motives. The children born on Indian soil, whether of Muslim, Christian, Parsi or Hindu parents, require good milk in their infancy in order to make them healthy babies. Milk whether derived from the human breast or from milch cattle is the main ingredient required in the formation of good bones in infants. Sir, owing to the depletion of a large number of milch cattle and their she-calves, the milk supply in the country is being considerably decreased. It will probably seem strange to many that even in England where one of the chief articles of food is meat, the destruction of milch cattle is less and the supply of good milk is plenty. In the towns of India milk is sold at four annas a seer whereas in Scotland the price of milk on an average is two annas per seer. This state of things has been brought about by the indiscriminate slaughter of prime milch cattle both for internal consumption and for export of dried meat.

THE HONOURABLE THE PRESIDENT : May I inform the Honourable Member that he will have another opportunity of speaking on the merits of the

Bill after the report of the Joint Select Committee, and if he has to say anything it must be with reference to the appointment of a Joint Select Committee.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH : Sir, I move :

"That the Bill be referred to a Joint Committee of both Houses".

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, after what has fallen from the mover of the Motion, I do not think there is anything more to be added, but at this stage I would like to mention that the Bill, though not officially circulated yet, has received sufficient publicity through the Indian press, and a large volume of public opinion has been expressed on this Bill. I think the House would be glad to note that large public meetings were held in support of the Bill all over India and in all provinces and was supported by all communities and classes irrespective of caste or creed. From the resolutions that have been received from time to time from the chairman of public meetings, I found that five such big meetings were held in Bengal in support of the Bill. Sir, one thing is very gratifying to see and that is that even my Muslim friends of Kurseong and Darjeeling supported the Bill as they clearly understood that the Bill has been designed not with any communal prejudices nor for the purpose of wounding the religious feelings of any sect or class. The question should be discussed from a purely economic point of view. I am rather sorry, Sir, that the mover of the Bill did not include she-goats amongst the milch cattle mentioned in his Bill. I would request my Muslim friends to give their support to this Motion for reference to a Joint Select Committee where some sort of explanation may be added to this Bill by which cattle to be slaughtered for bona fide religious purposes may be excepted from the purview of the penal clauses of the Bill and which I hope would appease the sentiments of my Muslim friends either in this House or outside. Over and above those resolutions passed at public meetings in Bengal there were resolutions passed at eight public meetings held in Assam in support of the Bill. In Bihar and Orissa there were three public meetings which adopted resolutions in support of the Bill. In the United Provinces there were four public meetings and in Bombay also there were three public meetings which passed resolutions in support of the Bill. Sir, the total number of men gathered in all such meetings would be over several hundreds of thousands, if not more, belonging to all classes and creeds. Therefore it is apparent that the whole of India is vitally interested in this economic question and it is the duty of the Government of the country to give their support to the economic principle underlying this Bill.

With these few words, Sir, I have much pleasure in supporting the Motion before the House.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, from the economic point of view, I consider this Motion unsound. I am a zemindar; I do cattle-breeding; I keep cows and she-buffaloes to get milk and to produce bullocks for agricultural work. This Motion, Sir, if acted upon, will neither add to the supply of milk of the country nor would it prove beneficial to the cattle-breeders or the farmers. The preserving of useless and inferior stock would not secure the object for which this Motion is being moved. It is the improving of the quality

[Sir Mohammad Hayat Khan Noon.]

of the stock in the country and it is the preserving of pastures that will be helpful in this respect. There are cows and cows; there are cows in my own province which would not give more than one seer of milk, while a good cow gives 12 seers of milk. Why should the owner be asked to maintain an inferior cow, which will be a loss to him? Who is going to compensate him for this loss? Generally speaking, Sir, an owner does not sell a good milk animal for slaughter and as everyone knows those animals which are sold for slaughter fetch a very small price. If the idea is to secure the object of increasing the supply of milk in the country, the first thing is to make an effort to improve the quality of stock, and I would suggest that bulls of only approved quality should be used for breeding purposes and all the other bulls should be put either to agricultural work or disposed of otherwise. Then, Sir, to encourage breeding of cattle of good quality the Government might reduce not only land revenue on pasture grounds but also canal water rate, so that the keeping of milk animals might become a paying concern. But if the idea of the Motion is that no animal should be allowed to be slaughtered, then the practical and reasonable way of doing things would be that those holding such ideas should start a society and this society should send out agents to buy such cattle and I assure them that the owners who want to get rid of useless animals would be just as willing to sell their animals to such agents as to anybody else.

With these few remarks, Sir, I oppose the Motion.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam: Non-Muhammadan): Sir, I rise to support the Motion moved by my Honourable friend Raja Raghunandan Prasad Singh. Sir, I would be failing in my duty if I did not voice the opinion of the people of my province of Assam in supporting the measure before the House. As a matter of fact at this stage I am not going to inflict a speech upon the House. All that I would like to say is that this Bill has been very widely supported in my part of the country. As many as eight meetings were held in different towns in Assam and at all those meetings this Bill was unanimously supported; and these meetings were also representative of all the communities. It does not require a prophet to tell us that we do not really have an adequate supply of milk for our people; not to speak of the adult population, even for the children and babes in arms. We also know that the rate of infant mortality in India is rather alarming. I have listened to the speech of my Honourable friend, Sir Mohammad Hayat Khan Noon; he has made some sound suggestions. I think some of his suggestions might be embodied in the Bill as it emerges out of the Select Committee. Personally I feel, Sir, that it is not our intention to raise any communal issue; it is not the intention of the Bill either and there could not be any communal motive behind it.

I think, as suggested by my Honourable friend, Mr. Banerjee, there should be some clause inserted into the Bill just to allow the slaughter of cattle meant for *bona fide* religious purposes. Sir, we know that at present the slaughter of milch cattle is going on indiscriminately and without any restriction. All that we want is that there should be discriminate and restricted slaughter.

Sir, with these words, I give my full support to the Motion made.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): Sir, the need of increase in the milk supply of our country deserves the very serious consideration of Government. I am however doubtful whether what we need is protection or elimination of unfit stock. The position has been very clearly set forth by the Royal Commission on Agriculture. What we really need is a careful survey of the needs of a village in the matter of bullock power, milk, butter and ghee and then a careful plan to meet this demand. It is well known that large herds are kept in the villages, without any adequate arrangement for feeding. Useless stock is carried, which has no economic value. I am glad to say this matter has been receiving the very earnest attention of Colonel Olver, the live stock expert of the Imperial Council of Agriculture. Research, and my view is that this Bill should be referred to the Council of Agricultural Research for opinion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Motion. My Honourable friend, Nawab Sir Mohammad Hayat Khan Noon, has perhaps taken this as a communal question?

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON: I never mentioned the religious or communal question at all. I said *zemindars*.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: As far as the *zemindars* are concerned, the Motion is for referring this matter to a Select Committee, where of course the whole matter can be thrashed out. The *zemindars* can put forward their point of view and other interests can put forward their point of view. So as the Raja Sahib has put forward his Motion on purely economic grounds this House ought to agree to his proposal. I am not supporting this Motion on any religious or communal ground. I am simply supporting it on economic grounds and I think it will be fair for the Council to give fair consideration to this Motion. As a Hindu, of course, one can have only one opinion, but of course here as a Member of this Council I consider that even on economic principles this Motion is a fair one and deserves the approval of the House.

THE HONOURABLE MR. RAM CHANDRA (Government of India: Nominated Official): Sir, I rise to oppose this Motion. I am glad that the Honourable Members who have spoken in favour of this Motion have confined themselves to economic grounds. I also wish to deal with it from the point of view of the economic advantages or disadvantages of this measure. The Bill as it stands makes it a legal offence to sell milch cattle to a butcher and milch cattle is defined as a cow or buffalo which is giving milk. Now it does not appear to me to be quite clear why a cow which is giving milk should be sold to a butcher when the value of a cow in milk is really much greater than its slaughter value. Financial considerations alone, therefore, should deter a person from selling a cow, which is giving milk, for slaughter to a butcher. The Bill is therefore unnecessary and this is my first point. I am entirely in sympathy with the Honourable mover in his desire to provide a cheap supply of milk for the people. But I do not believe that the means which are provided for in this Bill will attain that object. The Honourable Member is presumably afraid that the cattle wealth of this country is being depleted. I have got figures

[Mr. Ram Chandra.]

here to show that far from any depletion there has been a definite increase. According to the census of 1919-20 there were 146 million head of cattle in British India. Now, in the subsequent census, which was held five years later, that is to say in 1924-25, the number rose to 151 millions, and this number rose still further to 154 millions in 1929-30. Another census was held in 1934-35 but the results of that census are not yet available. I have however no doubt that, owing to the measures that have been taken in the country to control the spread of contagious diseases, the results of that census will reveal that the number has increased still further beyond 154 millions. There is, therefore, Sir, no danger that the number of cattle in India is going down.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: But is that not the normal increase?

THE HONOURABLE MR. RAM CHANDRA: This may be so. My point was that the fear of the Honourable Member that the cattle wealth of India was being depleted was unfounded. As I said before, I am in sympathy with the Honourable Member in his desire to provide a cheap supply of milk to the people but that object is not going to be attained by the measure which he has put forward. It can be attained much better by devoting more attention to improving the breeds of cattle in India and this is a matter on which the Imperial Council of Agricultural Research are actively engaged. As pointed out by my Honourable friend, Sardar Buta Singh, Colonel Olver has devoted considerable attention to this subject. The Government of India have got their dairy farms in Karnal and Bangalore and they have a pedigree herd at Pusa. At these places experiments are being made as to how to improve the yield of milk, and how to improve the indigenous breeds of cattle. Recently the Government of India have sanctioned a scheme costing Rs. 6 lakhs spread over five years for increasing the facilities for instruction in dairy work and for general improvements at Bangalore and also for reviving the creamery at Anand which had to be closed, a few years ago, owing to financial stringency. At the Creamery at Anand it is proposed to investigate the manufacture of new preparations, such as condensed milk, milk powder, etc.; it is also proposed to investigate how such articles as butter, ghee, etc., can be improved. One of the other objects will be to see what improvements can be effected in the method of supply of milk to cities. The work which is being done in India is available to the public in the Journals of the Imperial Council of Agricultural Research. My conclusion, therefore, is that the remedy does not lie in the prevention of slaughter but in the steady organisation of the dairy industry, a matter to which Government are already giving considerable attention. For these reasons, Sir, I oppose the Motion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government be agreeable to circulation of this Bill for the purpose of eliciting public opinion thereon?

THE HONOURABLE MR. RAM CHANDRA: I am afraid not, Sir.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa: Nominated Non-Official): Sir, I had no intention of intervening in this debate, for I did not at all anticipate that

there would be any opposition to the Motion to refer this Bill to a Joint Committee. But since my Honourable friend, Nawab Sir Mohammad Hayat Khan Noon, has said that he has opposed it from the zemindar's point of view, I feel that I should not let this remark pass unchallenged. I happen also to belong to the class of zemindars and I certainly do not feel that the zemindars, as a class, are opposed to the reference of this Bill to a Joint Committee. (An Honourable Member: "They are.") I say, as a class; there might be divergence of view among individuals, but as a class the zemindars are not opposed to the reference of this Bill to a Joint Committee; and, as a zemindar, I wholeheartedly support this Motion and associate myself with the remarks of my Honourable friend, Raja Raghunadan Prasad Singh.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: Sir, even the Director of Industries, Bengal, in his book *A Recovery Plan of Bengal* has admitted that the dearth of supply of pure milk is largely to be attributed to the indiscriminate slaughter of prime milch cattle. Sir, with your permission, I will read an extract from the book which is as follows:

"Even the indiscriminate slaughter of prime cows has not been prevented. In Calcutta the number of horned cattle slaughtered annually at the Tangra slaughter house amount to about 90,000 and at Sonadanga about 10,000. Of these 3,000 cows are said to be prime cows, that is, cows under seven years of age and fit for breeding. When it is remembered that the best cows from Bihar, and the United Provinces and the Punjab are almost daily brought down to Calcutta, the danger of depleting good stock by this indiscriminate slaughter becomes apparent. No wonder the price of milk in Calcutta is exceptionally high. In Scotland the wholesale price of milk per gallon (five seers) is about ten annas, i.e., two annas per seer, while in Calcutta it sells at double the price and is not only dear but very inferior as a rule."

Sir, if this is the condition in one big town, I do not know what will be the total number of milch cattle that are being slaughtered all over India. Unfortunately I could not get the statistics of the slaughter of milch cattle all over India, otherwise I could have given the figures which would have shocked not only the Members of this House but also the world at large. In this connection I will not be wrong if I say that Mr. W. H. Harrison, the Agricultural Adviser to the Government of India, once pointed out that in order to make up the total efficiency in the field of dairy expansion, the number of cattle must be increased. There is not the least amount of doubt that the indiscriminate slaughter of milch cattle in India is one if not the sole cause for the shortage of the milk supply in this country. Here I cannot but also quote the name of Mr. William Smith, the Imperial Dairy Expert, Kasauli. Sir, in the World's Dairy Congress, Mr. Smith, who represented India, pointed out that of all the civilized countries of the world, India was probably the most backward in the development of the dairy industry including cattle-breeding and cattle protection. Even from the latest available statistics published by Government I will prove how the number of cows are decreasing year after year. In Ajmer Merwara the number of cows which was 1,43,000 in 1924-25 has come down to 1,39,000 in 1929-30. In Bengal the number of cows was reduced from about 84 lakhs to 82½ lakhs during the same period. In Delhi the number of cows has been reduced from 28,000 to 21,000. In the Punjab the number of cows has been reduced from 2,67,000 to 2,41,000 during the same period of 1927-1930. Sir, I do not like to tire the House with these statistics which, in its own way, tell

[Raja Raghunandan Prasad Singh.]

the story and does not require any amplification. I would like here to say that Government in replying to a Resolution on the same subject, suggested the question of the improvement in the breeding of good quality cattle which will yield more milk even if the number of milch cattle be reduced. But I must say that it is an Utopian ideal to hope that the people of India will all of a sudden be so educated as to understand this subject without any effort on the part of the Government.

Sir, I moved a Resolution on a somewhat similar subject in the other House as far back as 1930 and may I ask Government as to how many cattle-breeding farms have been established since then in the different provinces for imparting education on this subject to the agricultural population of India and whether the *phooka* system has as yet been made penal? I further want to know whether the question of cheap railway freight for sending milch cattle to places where sufficient pasture lands are available, when they cease to be milk-bearing in the cities, till they are restored to a milk-bearing condition, has been favourably considered? It is a pity that whenever the non-officials desire to tackle this problem in the right direction, Government will always try to sidetrack the main issue and raise issues which have very little bearing on this question. Moreover, Sir, as I said before, this question of milch cattle protection is an all-India one of very great importance and in which persons of all communities are interested, as on the protection of the lives of these milch cattle depends the increase in the pure unadulterated milk supply in a country, which is not only essential for the growth of bonny babies, but also required as the chief diet of the sick and the convalescent. Is there any denying the fact that in spite of the invention of various kinds of chemical foods the sick persons in the hospitals or in private homes, are always recommended by doctors to be given fresh pure milk? India, being an agricultural country should have the fortune of supplying milk to other countries of the world but instead of that, crores and crores of rupees worth of condensed milk, cheese and other milk preparations are being imported into India from Western countries. Sir, it is no wonder that we Indians would like to see India self-supporting at least in this matter and to our mind the protection of milch cattle is one of the means to attain our object in view.

Sir, at this stage, I have got a special appeal to make to my Muslim friends and other colleagues not to raise the communal bogey on this question. I can assure my friends that I am even prepared to accept any reasonable amendments to this Bill in the Select Committee which they may propose to safeguard their religious sentiments or improve the Bill. I appeal to them to rise above communal prejudices as this Bill has been designed purely from the economic point of view and as such I hope they will give their unstinted support. In the name of infants, the sick and the invalids of all communities I appeal once more to the House to wholeheartedly support this Motion.

THE HONOURABLE THE PRESIDENT: Motion made :

"That this Council do recommend to the Legislative Assembly that the Bill to protect the Milch Cattle be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 12 Members."

The Question is :

"That this Motion be adopted".

The Council divided :

AYES—18.

Askuran, The Honourable Mr. Shantidas.	Naidu, The Honourable Mr. Y. Ranganayakalu.
Banerjee, The Honourable Mr. Jagadish Chandra.	Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Barua, The Honourable Srijut Heramba Prosad.	Raghunandan Prasad Singh, The Honourable Raja.
Buta Singh, The Honourable Sardar.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Charanjit Singh, The Honourable Raja.	Ray of Dinajpur, The Honourable Maharaja Jagdish Nath.
Gounder, The Honourable Mr. V. C. Vellingiri.	Sapru, The Honourable Mr. P. N.
Jalan, The Honourable Rai Bahadur Radha Krishna.	Sethna, The Honourable Sir Phiroze.
Kalika, The Honourable Mr. V. V.	Sinha, The Honourable Kumar Nripendra Narayan.
Kameshwar Singh of Darbhanga, The Honourable Maharajadhiraja Sir.	
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.	

NOES—26.

Brayshaw, The Honourable Sir Maurice.	Menon, The Honourable Diwan Bahadur Sir Ramunni.
Campbell, The Honourable Mr. G. R.	Mitha, The Honourable Sir Suleman Cassim Haji.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.	Muhammad Din, The Honourable Khan Bahadur Nawab Chaudri.
Commander-in-Chief, His Excellency the.	Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Devadoss, The Honourable Sir David.	Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Dow, The Honourable Mr. T. M.	Parker, The Honourable Mr. R. H.
Ghosal, The Honourable Mr. Jyotsnanath.	Ram Chandra, The Honourable Mr.
Glancy, The Honourable Sir Bertrand.	Sloan, The Honourable Mr. T.
Hafeez, The Honourable Khan Bahadur Syed Abdul.	Spence, The Honourable Mr. G. H.
Haidar, The Honourable Khan Bahadur Shams-ud-Din.	Stewart, The Honourable Mr. T. A.
Hossain Imam, The Honourable Mr.	Tallents, The Honourable Mr. P. C.
Johnson, The Honourable Mr. J. N. G.	Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Macqueen, The Honourable Mr. P.	
Maqbul Husain, The Honourable Khan Bahadur Shaikh.	

The Motion was negatived.

RESOLUTION *RE* PROVISION FOR A SEPARATE WHOLE-TIME SECRETARY TO THE GOVERNMENT OF INDIA IN CHARGE OF "INDIANS OVERSEAS".

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, the Resolution which I rise to move reads thus:

"That this Council recommends to the Governor General in Council to make provision for a separate whole-time Secretary to the Government of India in charge of 'Indians Overseas'."

Very little is known of the attitude of the Government of India with regard to Indian colonists before the date of the abolition of slavery in 1833. Since that date and prior to 1912 a period of nearly 80 years the policy of the Government of India towards Indian emigrants had been one of "benevolent but watchful neutrality". Their one object was to secure fair play to both parties, the employers of India labour on the one side and the emigrants on the other. But owing to the absence of a permanent and satisfactory departmental arrangement at the headquarters of the Government of India it cannot be denied that the interests of Indians abroad have suffered greatly. The growing discontent over the evils of the system of indenture and the ill-treatment of Indians in South Africa and elsewhere has made the question of the status of Indians overseas more and more a live issue. The gradual awakening of a national consciousness makes Indians in this country naturally resent the very inferior position and the indignities to which their countrymen abroad are subjected and fortunately it has also quickened the conscience of the Government of India itself. Government began to formulate a policy which could be worked on the basis of continuity. It was in 1912 that the then Viceroy, Lord Hardinge, delivered his famous speech in Madras and stood out in a most unmistakable manner for the aspirations, the desires and just rights of Indians in South Africa. Lord Hardinge's speech created a sensation in England and in South Africa and he proved to the world that the Government of India will stand up for the rights of Indians abroad. Since 1912 till the present day successive Viceroys and the Government of India have to a great extent identified themselves with the interests of Indians abroad. The Resolution before us is therefore an effort to prevail upon the Government of India to carry out this policy more effectively.

The number of Indians overseas is large and is growing. Economic and political forces are making the problems arising from the presence of these Indian communities in other parts of the Empire, daily more numerous, more complicated, more pressing. Conflict of interests, real or imaginary, between Indians and other interests in these territories, whether of the indigenous population or other settler communities, such as Europeans, is responsible for making the need for safeguards more acute. The Government of India have special responsibilities towards these communities. These they can discharge effectively only if their intelligence service is efficient and their headquarters organisation sufficiently strong to study developments, to anticipate problems, and to deal with these promptly, when the need arises. Except in South Africa, Ceylon and Malaya, the Government of India do not maintain representatives elsewhere. Information about happenings elsewhere as for instance in Zanzibar and in Kenya, presumably comes only through the columns of the press or

sporadic communications from individuals or associations of Indians. The Zanzibar Decrees, which were introduced and rushed through the Legislature at very short notice, offer a striking example of the inadequacy and unsatisfactoriness of this state of affairs. Government must, therefore, take up the question of improving their intelligence service.

For many years the Department of Commerce and Industry was responsible for safeguarding the interests of Indians abroad. Later on this subject was transferred to the Department of Education, Health and Lands. The staff of the Department of Education, Health and Lands seems to have been strengthened since 1929 by the appointment of a Joint Secretary and an Additional Deputy Secretary. Even that has not proved enough. These officers either devote part of their own time to Overseas business or relieve others in the department who are called upon to do so which is of course a very unsatisfactory state of affairs.

There are over 25 lakhs of Indians living outside India. They are found throughout Africa, Mauritius, Madagascar, Fiji, Ceylon, British Malaya, East Indies, West Indies, British Guiana, Brazil, as well as in other countries of Europe, America and Asia. I do not think the Government of India can reasonably claim that the interests of Indians at these different places are looked after satisfactorily by a department that has already its hands more than full. It will certainly be still less adequate when Burma becomes separated and when some two or three million more Indians are added to those for whose welfare the department is already responsible. The suggestion in the Resolution for a separate Secretariat is designed to meet existing but, even more, future exigencies. Government should consider it sympathetically.

What is worse, the Colonial and Dominion Governments in other parts of the Empire are gradually pushing out Indians from their countries. For times without number have the Indian nationals overseas looked towards the Indian people and the Government of India for help and guidance to fight for their commercial and political rights against heavy odds. The Government of India, it must be admitted, have always made sincere efforts in order to alleviate the sufferings of their nationals abroad and have their grievances redressed but for want of timely information and adequate staff they have not been able to tackle some of the problems. Wanton attacks are being made on Indian settlers in the Colonies, depriving them of their legitimate rights. In Kenya, for instance, Indians are being reduced to a political and economic serfdom. They are being severely discriminated against in all departments of life and State activities. In the case of Zanzibar, the Government of India were kept in the dark when anti-Indian Decrees of a revolutionary character were passed by the Government of Zanzibar. These Decrees cut at the very root, the rights of Indians who have been trading there for generations. Not only have they been trading there for generations but they paved the way and made it easier for British traders to follow both there as well as in Kenya. If the British in these parts have prospered they owe such prosperity very greatly to the spadework done by Indians as even Mr. Winston Churchill has candidly acknowledged in one of his books of travel.

Turning to another quarter of the globe we find that our people in Fiji are agitating over the question of franchise and land tenure and I understand that

[Sir Phiroze Sethna.]

when the state of affairs in Fiji was brought to the notice of the Government of India they had no information on the subject just as they did not have in the matter of the Zanzibar Decrees. Perhaps the Government of India would have had the necessary information in good time if they had an officer—a full-time Secretary whose duties were confined to the care of Indians overseas and all questions affecting their welfare. Again, the position of Indian merchants in the United States of America has yet to be placed on a satisfactory basis.

In a recent communication to the Government of India urging the establishment of a separate Secretariat, the Imperial Indian Citizenship Association states :

“ That anti-Indian Decrees in Zanzibar might have been averted or at least mitigated in their severity if the Government of India had been informed about them in time. The recommendations of the Carter Commission in Kenya is another recent instance when the Government of India were kept in the dark regarding the deprivation of the rights of their nationals in that Colony ”.

I agree with the views of the Association that the present unsatisfactory arrangement is partially responsible for the lack of information regarding the position of Indians abroad. These and innumerable other problems arising from time to time from the position of Indians abroad require a constant watch on the part of the Government of India which can only be accomplished with any degree of success by a whole-time Secretary to the Government of India. The Association's suggestion has been supported by the entire Indian press abroad and by leading papers in India. Some Indian papers have struck a note of despair. *Indian Opinion*, the leading Indian organ of Indians in South Africa in its issue of 17th May last stated :

“ Indeed we have always felt that the Government of India is not giving Indians overseas adequate attention..... ”.

The Government of India have often identified themselves with Indian public opinion in most matters connected with the interests of Indians abroad. They will therefore be well advised if they try to remove the wrong impression that exists in the minds of Indians abroad. But owing to the growing importance of the question it is felt that the work of dealing with complicated questions concerning Indian emigrants is increasing and is bound to increase more and more in the future and therefore the establishment if not of a separate Overseas Secretariat of at least a Secretary devoting full time to this work is not only necessary but overdue. It is not suggested that the appointment of such an official will prevent the infliction of injustice on Indians in the Colonies and Dominions of the British Empire, but it will help the Government of India to be able to act promptly and initiate action in time to safeguard the interests of their nationals abroad and will deter other Governments from rushing into anti-Indian legislation as they have been doing in the past.

The Secretariat of the Government of India is soon to be reorganised and for that purpose a Committee has already been appointed. I think therefore that my Resolution is quite in time to be taken into consideration by that Committee. Whatever is done I would suggest that the department to which the care of Indians abroad is committed will bear a name from which the

public could easily know to whom to refer to in connection with anything which has to do with Indians overseas. At the present moment the name of the department, Education, Health and Lands, gives no indication whatsoever.

In conclusion, may I repeat that there must be an effective organisation at headquarters, also an efficient intelligence service abroad and what is of equal if not of greater importance continuity of experience which can be secured by the official concerned being retained in his position for a number of years.

Sir, I move my Resolution.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, the Honourable Sir Phiroze Sethna has spoken with great knowledge on this subject and it is not necessary for me to make a long speech. The question of Indians overseas is one of overshadowing importance. It is a question which affects our *izat* and we know, Sir, that in some of the Dominions and Colonies we are not treated as we should be. I am very grateful to the Government of India for all that it has done in the matter of Indians overseas and I think, Sir, it will be good if we have a Secretary in charge of this department who will watch the interests of Indians overseas. For these reasons, Sir, I would like to give my support to the Resolution which has been so ably moved by my distinguished colleague, Sir Phiroze Sethna.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I wish to give my wholehearted support to this Resolution. The problems relating to Indians overseas demand constant attention of an officer in close touch with our people abroad. The problem is becoming complicated and complex every day, and calls on the part of the Government of India an unfailing vigilance, which it can not get unless the Government of India has an Overseas Department concerned entirely with “Indians overseas.” Our people abroad complain—and I feel not without justification—that the Government of India does not take the same keen interest in promoting their welfare, as is done by other nations. The creation of an Overseas Department will be a practical recognition on the part of the Government of India that it is not only aware of this feeling but that it is ready to do all in its power to help our people abroad.

THE HONOURABLE MR. RAM CHANDRA (Government of India : Nominated Official) : Sir, I deeply appreciate the motive which has prompted the Honourable mover to move this Resolution. He has the welfare and interests of Indians overseas at heart and I can assure him that the Government of India are not unmindful of their responsibilities in this matter. They have obligations, definite obligations, to safeguard the interests of Indians who have left their homes and settled in other parts of the Empire and I was glad to hear from the Honourable mover and also from the Honourable Mr. Sapru that they realised that in most cases the Government of India had identified themselves with public opinion. Well, Sir, I am sure that the House will also give Government the credit of having discharged those obligations to the best of their ability and as far as lay in their power.

As regards the definite suggestion made in the Resolution, the Honourable mover referred to the delay that had occurred in the information about the

* Not corrected by the Honourable Member.

[Mr. Ram Chandra.]

Decrees in Zanzibar reaching India. It was unfortunate that there was no intimation of the contemplated legislation but it is not quite easy to understand how, if there had been an officer at the headquarters of the Government of India with no other work allotted to him except "Indians Overseas," the information could have been expedited. Information has to come from the other end. However, Sir, as soon as it was possible for Government to take any action in the matter, they appointed an officer on special duty and sent him to Zanzibar, and he took the opportunity of going to other parts of East Africa also. Similar deputations have been sent by Government whenever necessity has arisen. I will not weary the House by giving a whole list of such deputations but I may refer in passing to the deputation consisting of Kunwar Maharaj Singh and Mr. Ewbank which was sent to East Africa in 1927 to help the Indian community in preparing their case for the Hilton-Young Commission. Then, Sir, in 1932 Mr. Bozman was deputed to East Africa for about a month to prepare the Indian case in connection with Lord Moyne's inquiry into the financial and economic situation. And the last deputation was that of Mr. Menon whose report on Zanzibar has been issued. I fully sympathise with the Honourable mover in the object which he has at heart and I can assure him that the Government of India have been doing their best to give as close an attention to the problems relating to Indians overseas as possible. In this House the Honourable Mr. Natesan moved a Resolution in 1928 to the same effect. The Honourable Sir Muhammad Habibullah, who was then Leader of the House, and who was in charge of the Department of Education, Health and Lands, gave an assurance that he would consider the matter carefully and sympathetically. As a result of the consideration that was then given to this question, the Government of India decided to continue the post of Joint Secretary primarily with the object of devoting very close attention to problems relating to Indians overseas. Then, Sir, since 1930, the post of Additional Deputy Secretary has been created in the Department. That also was partially for the same purpose. These posts are at the moment temporary. They have been sanctioned on a yearly basis and are renewable from year to year. They have not been made permanent as it was obviously desirable that any permanent reorganisation of the various departments of the Government of India should be deferred until Government had a clearer view of what would be required under the New Constitution. I admit, Sir, that the work relating to Indians overseas will increase in the New Constitution with the separation of Burma, but at the same time it is impossible to say whether under the reforms when they come into, being—I mean with the inauguration of provincial autonomy—whether the volume of work in the department in other directions will not be reduced. It is for these reasons that the future reorganization of the Secretariat must be deferred. Such reorganisation, as may be necessary, will be considered in the light of the work that will still remain with the Central Government when the reforms are inaugurated. I can, however, give a definite assurance to the Honourable Member that the Government of India would do everything possible to maintain at their headquarters an effective organisation for dealing with problems relating to Indians overseas, but I would request him to leave it to the Governor General in Council to adjust details from time to time in the light of actual requirements.

WHOLE-TIME SECRETARY IN CHARGE OF "INDIANS OVERSEAS".

I hope, Sir, that in view of this assurance, the Honourable Member will see his way to withdraw his Resolution.

THE HONOURABLE THE PRESIDENT: May I know if the two officers, the Joint Secretary and the Deputy Secretary, are doing exclusively the "Indians Overseas" work?

THE HONOURABLE MR. RAM CHANDRA: No, Sir.

THE HONOURABLE MR. P. N. SAPRU: Who is doing exclusively the Overseas work—the Joint Secretary or the Deputy Secretary?

THE HONOURABLE MR. RAM CHANDRA: There is no one who is doing Overseas work exclusively. At the moment the Secretary deals with Indians overseas and is helped in that work by the Additional Deputy Secretary.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, I thank the Honourable Mr. Ram Chandra for the sympathetic reply he has given on behalf of Government. He acknowledged that we on this side have given credit to Government for discharging their obligations as best they can. I repeat emphatically that they have done so. But I also repeat with equal emphasis that they could and would have done better if the suggestion which has been made in this Resolution had been given effect to of their own accord before now. The Honourable Mr. Ram Chandra observed that even if there were an officer who devoted his full time to the question of "Indians Overseas" he could not possibly have prevented the passage of the Zanzibar Decrees. My answer to that is that this is because there is no whole-time officer giving attention to the question of Indians abroad, I suppose I would not be wrong in saying that their department does not even care to read the newspapers from Zanzibar, Kenya, etc., for if they did, they might have forestalled the Zanzibar Government by approaching the Secretary of State for the Colonies in time and perhaps the Decrees which have been passed might have been prevented.

The Honourable Mr. Ram Chandra told us of the visit of Mr. Menon to Zanzibar and other places. In regard to that I would say that sending Mr. Menon as late as Government did was tantamount to closing the stable door after the horse had run away. However, I trust that Government will profit by their past experience and that they will see that in future things which have happened before now in those parts will not be repeated there or in other parts of the Empire.

In answer to your question, Mr. President, Mr. Ram Chandra corroborated what I said in the course of my remarks that no official in his department devotes his full time to the question of Indians abroad, which is our grievance and which is the grievance of the whole country. But I accept his assurance that when the question of the organisation of the Government of India Secretariat is taken in hand, they will fully consider the subject of my Resolution. I trust Government will see their way, if they do not have a separate Overseas Secretariat, to at least appoint a Secretary or Deputy Secretary who will devote his full time to the question of Indians abroad. I accept his assurance that Government will do the needful. I shall await the report of the Committee which has been appointed to consider the reorganisation of the Government of India Secretariat and I hope it will not be necessary for us to approach Government again.

[Sir Phiroze Sethna.]

With these words, Sir, I beg permission of the House to withdraw my Resolution.

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

The Council then adjourned till Eleven of the Clock on Friday, the 20th September, 1935.

COUNCIL OF STATE.

Friday, 20th September, 1935.

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

MEMBER SWORN :

The Honourable Mr. David George Mitchell, C.S.I., C.I.E. (Industries and Labour Member).

QUESTIONS AND ANSWERS.

TELEGRAPH ENGINEERING SUPERVISORS RECRUITMENT EXAMINATION.

76. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Is it a fact that an examination was held for recruitment to the posts of Telegraph Engineering Supervisors ?

(ii) Will Government be pleased to state where such examination was held and when ?

(iii) How many candidates appeared at the said examination from each of the different provinces of India and from each different community ? How many candidates came out successful and how many of them were Hindus and how many were Muhammadans and how many from other communities ?

(iv) Is it a fact that among the successful candidates three were Muhammadans, and, if so, are those three successful Muhammadan candidates going to be appointed ?

(v) Will Government be pleased to state the names of all the successful candidates and the different provinces from which they come and also the community to which each of them belong ?

(vi) Will Government be pleased to state whether any Bengali Muhammadan came out successful, and, if so, whether he will be appointed in the post of Telegraph Engineering Supervisor ? If not, why not ?

(vii) Will Government be pleased to state how many Bengali Hindu candidates came out successful at the said examination and how many of them will be appointed to the said posts ?

(viii) Will Government be pleased to state the maximum age limit and the minimum educational qualifications prescribed for the said examination ?

(167)

(ix) What steps were taken by Government to notify the said examination?

THE HONOURABLE MR. D. G. MITCHELL: (i) Yes.

(ii) On the 14th, 15th and 16th January, 1935 at Calcutta, Dacca, Gauhati, Patna, Bombay, Rangoon, Nagpur, Madras, Lahore, Rawalpindi, Delhi, Karachi, Lucknow and Agra.

(iii) 1,201 candidates excluding telegraphists appeared for the examination. A statement showing their communities and circles is placed on the table. seventy candidates qualified; of these 63 were Hindus, four Indian Christians, two Sikhs and one Muslim.

(iv) and (vi). Only one Muslim candidate who belonged to the Punjab and North West Frontier Circle qualified. He was selected for training and appointed as Engineering Supervisor.

(v) Government do not consider that any useful purpose would be served by laying the list of names on the table, but it can be seen in the Director General's office.

(vii) Seven qualified; two have been selected for training as Engineering Supervisors.

(viii) The maximum age limit was 24 years. The minimum educational qualifications were a pass in the Cambridge School Certificate examination or the Intermediate Science examination of an Indian University or the possession of the diploma in Electrical Engineering granted by the Victoria Jubilee Technical Institute, Bombay, or the College of Engineering, Poona, or the Government School of Technology, Madras.

(ix) The notice regarding the examination was published by all heads of circles in seven issues of the newspapers in their circles in which departmental advertisements are usually published.

QUESTIONS AND ANSWERS.

Statement referred to in part (iii) of the reply to question No. 76 showing the communities, etc., of the outside candidates who appeared for the Engineering Supervisors' recruitment examination held on the 14th, 15th and 16th January, 1935.

Circle.	Total number of candidates who appeared.	Hindus.	Domiciled Europeans and Anglo-Indians.	Muslims.	Sikhs.	Indian Christians.	Parsees.	Other communities.
1. Bengal and Assam	215	188	8	17	..	2	..	..
2. Bihar and Orissa	32	23	3	6	..	..	..	..
3. Bombay	89	71	8	1	..	4	3	2
4. Burma	12	5	2	1	..	..	..	4
5. Central	42	30	3	4	1	4	..	..
6. Madras	397	327	20	12	..	38	..	..
7. Punjab and N. W. F.	222	132	3	59	20	7	1	..
8. Sind and Baluchistan	34	23	3	2	2	1	1	..
9. United Provinces	158	126	..	25	..	7	..	..
Total	1,201	925	50	127	23	63	5	8

CLASSIFICATION OF GOVERNMENT QUARTERS, NEW DELHI AND SIMLA.

77. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Will Government be pleased to state whether the first change in the classification of quarters in Delhi was introduced in 1924 from "European" and "Indian" to "unorthodox" and "orthodox" and whether that changed classification was applied equally to officers', clerks' and members' quarters? If so, will they be pleased to state how, when and why this classification was withdrawn from the officers' quarters in Delhi and Simla and was retained only for clerks' quarters and members' quarters?

(ii) Is it a fact that at present there is no distinction of orthodox and unorthodox in the matter of allotment of officers' quarters in New Delhi and Simla? If so, will Government be pleased to state how many of the quarters in Queensway, Queen Victoria Road and Queen's Square and Ferozeshah Road have been allotted to Anglo-Indian and European officers during the last four years?

(iii) Is it a fact that such quarters have been kept solely reserved for Indian orthodox gazetted officers?

(iv) Is it a fact that some of the bungalows on Ferozeshah Road, Electric Lane and Canning Lane which are allotted to Members of the Indian Legislature are still named as orthodox gazetted officers' bungalows? If so, will Government be pleased to state the reasons for withdrawing the classification of orthodox officers' bungalows and unorthodox officers' bungalows in Delhi and Simla?

THE HONOURABLE MR. D. G. MITCHELL: (i) The change was for clerks' quarters only. Officers' and members' houses and quarters were never described as "European" and "Indian."

(ii) The reply to the first part is in the affirmative, subject to the exception that there are some orthodox "D" class houses for officers in New Delhi. None of the quarters referred to in the second part of the question have been allotted to European and Anglo-Indian officers in the last four years.

(iii) No. There is no bar to their occupation by officers living in unorthodox style.

(iv) Yes. I have already explained that certain "D" class officers' houses are classified as "orthodox."

REASON WHY EMPLOYEES ARE ALLOWED TO OCCUPY GOVERNMENT ORTHODOX QUARTERS IN SIMLA AND GOVERNMENT UNORTHODOX QUARTERS IN NEW DELHI.

78. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Is it a fact that the clerks of the Government of India occupying unorthodox quarters in Delhi are compelled to accept unorthodox quarters in Simla? If so, will Government be pleased to state the reasons why superintendents are allowed to occupy orthodox clerks' quarters in Simla and unorthodox bungalows in New Delhi?

(ii) Is it a fact that the classification of orthodox and unorthodox has been removed from officers' quarters in the allotment rules framed in 1933-34?

(iii) Is it a fact that previously the Bemloe quarters for officers in Simla used to be classed as unorthodox quarters? If so, do Government propose to force those superintendents and other officers who now occupy orthodox clerks' quarters in Simla and who live in New Delhi in unorthodox officers' bungalows, to occupy Bemloe quarters in Simla? If not, why not?

(iv) Will Government be pleased to state the reasons for introducing this distinction in matters of classification of quarters between the clerks and the junior officers?

THE HONOURABLE MR. D. G. MITCHELL: (i) The reply to the first part is in the affirmative. Under the rules in force before 1933 "A" class orthodox quarters in Simla were allotted to superintendents, assistants and clerks receiving emoluments of more than Rs. 300 per mensem. There was no upper pay limit. When the new rules were introduced in 1933 these "A" class quarters were reserved for Government servants drawing over Rs. 300 but less than Rs. 600 per mensem. The Government of India decided at the time that officers whose emoluments on the 15th June, 1932 were Rs. 600 or more per mensem and who were allotted "A" class quarters for the financial year 1933-34 or the summer season 1933 should not be required to vacate their quarters. It is under these orders that three officers occupy "A" class orthodox clerks' quarters in Simla and "D" class officers' houses in New Delhi.

(ii) No.

(iii) and (iv). The houses on the Bemloe Estate have always been classed as officers' houses. The position of officers who are now occupying "A" class orthodox clerks' quarters is explained in the reply to part (i). Government do not admit that there is any invidious distinction, and do not consider that any action is necessary.

SUBLETTING OF GOVERNMENT QUARTERS IN NEW DELHI AND SIMLA TO OUTSIDERS.

79. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Is it a fact that Government quarters both in New Delhi and Simla have been made a source of income by the tenants by means of subletting main buildings to outsiders who are not employees of the Government of India moving offices?

(ii) Is it a fact that servants' godowns attached to unorthodox quarters both in Simla and Delhi are rented to outsiders?

(iii) Is it a fact that this means of income is adopted by most of the unorthodox clerks? Do Government propose to make stringent rules by which such tenants who rent out either portions of main buildings or servants' godowns to non-Government employees should be penalised by the withdrawal of the liens on their quarters? If not, why not?

THE HONOURABLE MR. D. G. MITCHELL: (i), (ii) and (iii). The allotment rules both for New Delhi and for Simla provide for the authorised subletting of quarters in certain special circumstances. Unauthorized subletting

is a breach of the rules and when such a breach is detected the offender is declared to be ineligible for Government quarters for a stated period. The rules are sufficiently stringent, and the main difficulty is to detect and prove individual cases. My Honourable friend will realise that the unauthorised subletting of servants' quarters is even more difficult to detect than the unauthorised subletting of main buildings, but he may rest assured that everything possible is being done to prevent abuses of the rules.

OCCUPATION OF GOVERNMENT UNORTHODOX QUARTERS, SIMLA, BY EMPLOYEES ENTITLED TO SIMLA HOUSE-RENT ALLOWANCE AT THE OLD RATES.

80. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Is it a fact that most of the Anglo-Indian and European staff of the civil offices entitled to Simla house-rent and drawing house-rent allowance at the old rates are at present in occupation of unorthodox quarters in Simla ?

(ii) Will Government be pleased to state the names of those occupying Government quarters in Simla and drawing old rates of house-rent allowance ?

(iii) Will Government be pleased to state whether such persons are paying the whole of their Simla house-rent allowance as rent of the Government quarters occupied or are paying only the assessed rent of the quarters ?

(iv) Will Government be pleased to state in how many cases employees drawing old rates of Simla house-rent allowance and occupying quarters in Simla are paying less as rent of Government quarters than what they draw from Government as Simla house-rent allowance and in how many cases they are paying more by way of rent of Government quarters occupied than what they draw as Simla house-rent allowance ?

THE HONOURABLE MR. D. G. MITCHELL : (i) A small number of the staff entitled to the Simla house rent allowance at the old rates are in occupation of unorthodox clerks' quarters in Simla.

(ii) Messrs. K. C. Mukherjee, G. N. Pannas, N. E. Debenham, S. F. Coates and J. N. Dutt.

(iii) They pay the assessed rent.

(iv) Three and two respectively.

BASIS ON WHICH GOVERNMENT QUARTERS IN SIMLA ARE ALLOTTED.

81. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Is it a fact that the allotment of Government quarters in Simla is made on the basis of juniority with a view to giving advantage to low paid officers ?

(ii) Is it a fact that several assistants getting higher salaries have been allowed to occupy "C" class unorthodox quarters in Simla in preference to men on lower salaries ? If so, why ?

THE HONOURABLE MR. D. G. MITCHELL : (i) New allotments are made in order of juniority within each class.

(ii) Before 1925 "C" class unorthodox quarters in Simla were open to clerks drawing less than Rs. 450 per mensem. When the pay limit was lowered to Rs. 300 it was decided that no tenant would be required to vacate quarters already allotted to him until he became "out of class" under the old classification, or unless he himself wished to do so. Five officers whose pay exceeds Rs. 300 per mensem are still in occupation of "C" class unorthodox quarters.

NUMBER OF EMPLOYEES WHO LIVE IN GOVERNMENT UNORTHODOX QUARTERS IN DELHI ALLOTTED GOVERNMENT ORTHODOX QUARTERS IN SIMLA IN 1935.

82. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

(i) Will Government be pleased to state the number of Government of India employees who live in unorthodox quarters in Delhi but were allotted orthodox quarters in Simla in 1935 either for the whole of the Simla season or for temporary periods and also the number of employees who live in orthodox quarters in Delhi, but were allotted unorthodox quarters in Simla in 1935 either for the whole of the Simla season or for temporary periods ?

(ii) Is it a fact that a large number of orthodox men were allotted unorthodox quarters in Simla during the year 1935 ? If so, why ?

(iii) Is it a fact that "orthodox" and "unorthodox" classifications are two watertight compartments for the purposes of allotment within the year ?

THE HONOURABLE MR. D. G. MITCHELL : (i) There were three cases of each kind.

(ii) No. Only three orthodox men were allotted unorthodox quarters in Simla.

(iii) No. Orthodox clerks are allotted unorthodox quarters only after the demands of unorthodox applicants have been met and *vice versa*.

OUSTING OF EUROPEAN CLERKS OF ARMY HEADQUARTERS OWING TO ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA BY JUNIORITY.

83. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

Is it a fact that owing to the allotment of Simla quarters by juniority of pay the European element of the Army Headquarters offices are being practically ousted from the unorthodox quarters ? If so, do Government propose to amend the rules of allotment of Simla quarters in such a way that the junior European and Indian employees may get equal chances of getting quarters ? If not, why not ?

THE HONOURABLE MR. D. G. MITCHELL : I do not think that European clerks are being unfairly treated in the allotment of unorthodox accommodation at Simla. I find that a fair proportion of European applicants succeeded in obtaining such accommodation in 1933, 1934 and 1935. Government do not propose to amend the rules.

FOREIGN CAPITAL COMMITTEE.

84. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH :

(a) Is it a fact that a Committee known as the Foreign Capital Committee was appointed by the Government of India ?

(b) If so, will Government be pleased to state whether any action has been taken on the report of the Committee ? If not, why not ?

(c) Is it a fact that the said Committee recommended that all companies to be started in India with foreign capital and by foreigners must take at least 50 per cent. of Indian capital ?

(d) If so, will Government be pleased to state whether the Swiss Match Combine when they started operations in India was compelled to take 50 per cent. of Indian capital? If not, why not?

(e) Will Government be pleased to state whether the General Motors, Ltd., of America, when they started their business in India, was compelled to take 50 per cent. of Indian capital? If not, why not?

(f) Is it a fact that a Dutch Sugar Combine is contemplating opening up sugar manufacturing companies in India? If they do so, will Government compel such companies to accept at least 50 per cent. of Indian capital? If not, why not?

THE HONOURABLE MR. P. C. TALLENTS: (a) Yes.

(b) The Committee's recommendations covered a wide field and were examined by Government in consultation with the Imperial Bank and Local Governments. It is not possible within the compass of this reply to give in detail an account of the action taken on their recommendations. Broadly speaking their recommendations were for the extension of banking facilities, for an examination of indigenous and co-operative banking and for an examination of proposals for the control of banking. Since the Committee reported the Reserve Bank has been established and this Bank is under the obligation to establish an agricultural credit department to co-ordinate agricultural credit and co-operative banks. The Bank is also under the obligation to report on the possibility of extending the provisions of the Reserve Bank Act to firms and banks other than scheduled banks. In the meanwhile sections on banking law will probably be included in the legislation on Company Law which Government hope to introduce next year.

(c) No.

(d) Does not arise.

(e) No. I would refer the Honourable Member to the reply given by Sir Arthur McWatters to question No. 503 asked by Mr. Lalchand Navalrai in the Legislative Assembly on 12th September, 1928.

(f) Government are aware of no such proposal. Government's policy was stated by Sir Arthur McWatters in reply to Mr. Lalchand Navalrai's question to which I have referred.

CATEGORIES INTO WHICH THE ARMY IN INDIA IS DIVIDED.

85. THE HONOURABLE MR. HOSSAIN IMAM: (a) Is it a fact that the army is divided into three categories, i.e., "The Field Army", "The Covering Troops" and "The Internal Security Forces"?

(b) What is the number of British and Indian personnel in each of these categories stationed in each of the provinces of British India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes.

(b) The approximate numbers comprising the three categories are:

	British.	Indian.
(i) Field Army	18,000	51,000
(ii) Covering Troops	7,000	39,000
(iii) Internal Security	33,000	33,000

The information is not given by provinces, as the peace stations of many units are different from their war stations, but the Honourable Member will find the existing distribution in the *Indian Army List*.

TERMS ON WHICH DEPUTY CONTROLLERS OF THE CURRENCY AND THEIR STAFF HAVE BEEN TRANSFERRED TO THE RESERVE BANK OF INDIA.

86. THE HONOURABLE MR. HOSSAIN IMAM: (a) Will Government state the terms on which the services of Deputy Controllers of the Currency and their staffs have been transferred to the Reserve Bank?

(b) Are they now Bank servants or Government servants?

(c) Have they any lien on Government service?

THE HONOURABLE MR. P. C. TALLENTS: (a) The posts of the Deputy Controllers of the Currency, Calcutta and Bombay, were abolished with effect from the 1st and the 23rd April, 1935, respectively. Their incumbents were transferred to other posts under Government. The members of the staff employed under them who agreed to permanent transfer to the Reserve Bank were given, as far as possible, the same terms as in Government service. Detailed regulations in this respect have been framed by the Central Board of the Bank.

(b) The members of the staff who were transferred are now Bank servants.

(c) No.

DATE FROM WHICH THE RESERVE BANK OF INDIA TOOK OVER ALL GOVERNMENT OF INDIA ACCOUNTS.

87. THE HONOURABLE MR. HOSSAIN IMAM: Since what date has the Reserve Bank taken over all Government of India Accounts and other business?

THE HONOURABLE MR. P. C. TALLENTS: The Reserve Bank took over the Government accounts, assumed its currency responsibilities and took over the assets required for the Issue Department on the 1st of April, 1935. It assumed its statutory functions in relation to the Scheduled Banks on the 1st of July, 1935.

AGREEMENTS ENTERED INTO BY THE RESERVE BANK OF INDIA WITH THE IMPERIAL BANK OF INDIA.

88. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the Reserve Bank has entered into any agreements with the Imperial Bank for carrying on their agency business other than the Government of India Account? If so, on what terms and on what dates? Will Government lay the agreements on the table?

THE HONOURABLE MR. P. C. TALLENTS: I would invite the attention of the Honourable Member to the agreement between the Reserve Bank and the Imperial Bank of India, a copy of which was placed on the table of the House on the 17th September, 1935.

RECOMMENDATION OF THE JOINT COMMITTEE ON THE RESERVE BANK BILL
WITH REGARD TO SILVER.

89. THE HONOURABLE MR. HOSSAIN IMAM: Has Government carried out the recommendation in paragraph 4 of the report of the Joint Committee on the Reserve Bank Bill with regard to silver? If so, how? If not, why not?

THE HONOURABLE MR. P. C. TALLENTS: The recommendation of the Committee to which the Honourable Member refers was that the details of the Government's proposals should be further studied by the Legislature by such means as it thought fit. In reply to a question almost identical with the Honourable Member's present question that was asked in another place on the 13th February, 1934, Sir George Schuster stated that Government proposed to put the memorandum containing their proposals before the Standing Finance Committee for their consideration at an early date. This was done in the following month and the Committee asked for further time to consider the question. The matter was again brought before them, at a later meeting in the same month, and they expressed their general approval of the arrangements suggested in the memorandum, on the understanding that this would not debar them from criticising the Government's policy with regard to the sale of silver.

THE HONOURABLE MR. HOSSAIN IMAM: The recommendation of the Committee was that the procedure would be decided by it. May I know whether the word "it" in the Committee's report read by the Honourable Member just now refers to the Government or to the Legislature?

THE HONOURABLE MR. P. C. TALLENTS: The recommendation of the Committee was:

"We can only recommend that the details of the Government's proposals should be further studied by the Legislature by such means as it thinks fit". "It", I understand, refers to the Government.

THE HONOURABLE MR. HOSSAIN IMAM: Is it not quite plain that in simple English "it" refers to the Legislature and not to the Government?

THE HONOURABLE MR. P. C. TALLENTS: The Honourable Member is entitled to his own opinion.

POST OFFICES IN ASSAM.

90. THE HONOURABLE SRIJUT HERAMBA PRASAD BARUA: (a) Will Government be pleased to state the circumstances under which the only first class post office in the province of Assam at Shillong has been reduced to the second class?

(b) Is it a fact that there is no other capital town of a province with no first class post office?

THE HONOURABLE MR. D. G. MITCHELL: (a) The status of the Shillong Head Post Office was reduced from 1st class to 2nd class because the further continuance of the 1st class status of that office was not administratively

justifiable. The reduction of status, which was carried out with the consent of the Local Government, has not affected public facilities in the least.

(b)* Yes.

THE HONOURABLE SRIJUT HERAMBA PRASAD BARUA: Is it a fact that the Government are re-considering this matter?

THE HONOURABLE MR. D. G. MITCHELL: No, Sir.

FLOODS IN ASSAM.

91. THE HONOURABLE SRIJUT HERAMBA PRASAD BARUA: (a) Is it a fact that the annual floods in Assam are of recent origin?

(b) Has the attention of Government been called to the fact that these floods are popularly ascribed to the provision of inadequate waterways in the newly constructed railway lines in Assam?

(c) Do Government propose to appoint experts to inquire into the matter and devise necessary preventive measures?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) Government have no information.

(b) and (c). The Assam Government appointed a Flood Enquiry Committee, as a result of which observations were made at gauges erected at mileages where it was suggested that waterways should be provided. The Assam Bengal Railway state that the result of these observations shows that there is no ground for the belief that the waterways provided are inadequate. Government do not consider that further enquiry is necessary.

NUMBER OF INDIAN NEWSPAPERS IN INDIA.

92. THE HONOURABLE MR. P. N. SAPRU: (a) What is the total number of Indian newspapers in India?

(b) How many of them have been made to deposit security within the last two years?

(c) What are the offences for which security was demanded in each case?

THE HONOURABLE MR. T. SLOAN: (a) The total number of newspapers and periodicals published in India in 1934 was 4,663. Government have no figures showing how many of these were Indian-owned or Indian-edited.

(b) In reply to Sir Phiroze Sethna's question No. 74 on 18th September, 1935, I laid on the table a statement showing the number of papers from which security had been demanded from 1931 to 1934. I hope that may serve the Honourable Member's purpose. Many of the papers from which security was demanded never appeared and I am not in a position to state the number of existing papers from which security has been demanded.

(c) This information is not available.

REMOVAL OF GATE NO. 38 NEAR THE RAILWAY STATION, THARWAI,
EAST INDIAN RAILWAY.

93. THE HONOURABLE MR. P. N. SAPRU: Have the railway authorities issued any order for the removal of gate No. 38 on the East Indian Railway line near Tharwai station between Phaphamau and Benares stations?

THE HONOURABLE SIR MAURICE BRAYSHAY: Government have no information.

PARASITIC DISEASES AND TUBERCULOSIS AMONG DOMESTICATED ANIMALS.

94. THE HONOURABLE MR. P. N. SAPRU: (a) Has there been an increase in parasitic disease and tuberculosis among domesticated animals in recent years?

(b) Has the Council of Agricultural Research drawn attention to this increase and suggested all-India legislation to cope with it?

(c) Do Government propose to implement the recommendation of the Imperial Council of Agricultural Research by suitable legislation on this matter?

THE HONOURABLE MR. RAM CHANDRA: (a) There are no statistics showing the incidence of these diseases. It is, however, known that they are prevalent amongst domesticated animals in certain areas.

(b) No, but schemes for the investigation of tuberculosis in animals and parasitic infection in ruminants have been sanctioned by the Imperial Council of Agricultural Research.

(c) The Honourable Member is presumably referring to the Bill drafted by an expert committee of the Imperial Council of Agricultural Research in pursuance of a recommendation of the Royal Commission on Agriculture that a Contagious Diseases of Animals Act should be passed for the whole of British India, so that a uniform procedure may be possible throughout the country. The Bill is under the consideration of Government.

USE OF GOODS WAGONS FOR THE CARRYING OF PASSENGERS.

95. THE HONOURABLE MR. P. N. SAPRU: (a) Are goods vans occasionally used for carrying passengers?

(b) Are the passengers required to pay for travelling in these goods vans the same fares as they would have to pay for the third class?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) On certain metre gauge lines and light railways, when the demand for accommodation greatly exceeds the capacity of the stock available, goods vans have to be used, though such circumstances are rare.

(b) Yes. The lowest fare chargeable for the carriage of passengers is third class.

THE HONOURABLE MR. P. N. SAPRU: Why is the fare the same for third class as for goods vans?

THE HONOURABLE SIR MAURICE BRAYSHAY: The third class is the lowest charge for passengers. You could hardly class these passengers as goods traffic.

THE HONOURABLE MR. P. N. SAPRU: Are the facilities which these passengers get in these goods vans the same as they get in the third class?

THE HONOURABLE SIR MAURICE BRAYSHAY: No. The ordinary arrangement is to provide benches in the goods vehicles. It is only done when other stock is not available.

THE HONOURABLE MR. P. N. SAPRU: Are there any lavatories in these goods vans?

THE HONOURABLE SIR MAURICE BRAYSHAY: No.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it a fact that during the *mela* time these vans are used for carrying passengers?

THE HONOURABLE SIR MAURICE BRAYSHAY: Yes, that is the abnormal condition under which it is necessary to use these vehicles.

THE HONOURABLE SIR PHIROZE SETHNA: Do these passengers know beforehand when they buy their third class tickets that they may have to travel by goods van?

THE HONOURABLE SIR MAURICE BRAYSHAY: I am not quite certain but I think that would be known to them in each case.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Is the Government aware that these *melas* are held every year, and, if so, why are no arrangements made for more stock to be supplied at this time?

THE HONOURABLE SIR MAURICE BRAYSHAY: The reason is that all these cases of the use of goods vehicles for the carriage of passengers are on small lines which cannot collect stock from adjacent lines. The principal case is the Baisi Light Railway which is a narrow gauge line and cannot obtain stock from any connected adjacent line. It would not be economical to provide a large quantity of spare stock for use on a few days in the year.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government consider charging a lower rate of fares to the unfortunate passengers who are forced to travel in goods vans?

THE HONOURABLE SIR MAURICE BRAYSHAY: I will consider that point.

INDIANS IN ZANZIBAR.

96. THE HONOURABLE MR. P. N. SAPRU: (a) Have Government seen the report of an interview with Mr. Andrews in the course of which he is reported to have stated that the situation in Zanzibar appeared to him to be steadily growing from bad to worse?

(b) What steps have Government taken to secure adequate consideration by His Majesty's Government and the Zanzibar Government of the views of the Indian settlers in Zanzibar?

THE HONOURABLE MR. RAM CHANDRA: (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given to the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 11 on the 17th September, 1935.

APPOINTMENT OF A TRADE COMMISSIONER IN TOKIO.

97. THE HONOURABLE MR. P. N. SAPRU: (a) Is it a fact that the Government of India originally intended to appoint a Trade Commissioner in Tokio?

(b) Was this proposal objected to by the British Foreign Office?

(c) Was the Japanese Government willing to have a Trade Commissioner ?

(d) Has the proposal to appoint an Indian Trade Commissioner in Tokio been dropped in view of the opposition of the British Foreign Office ?

THE HONOURABLE MR. T. A. STEWART : (a) The question of appointing an Indian Trade Commissioner in Japan is at present under the consideration of the Government of India.

(b) and (d). No.

(c) Government have no information.

TRADE AGREEMENTS WITH COUNTRIES TRADING WITH INDIA.

98. THE HONOURABLE MR. P. N. SAPRU : Have Government taken any steps to enter into Trade Agreements with countries trading with India, and, if not, why not ?

THE HONOURABLE MR. T. A. STEWART : The reply to the first part of the question is in the affirmative. The second part of the question does not arise.

REBUILDING OF QUETTA.

99. THE HONOURABLE MR. P. N. SAPRU : (a) Do Government propose to rebuild Quetta ?

(b) What is the estimated cost of this rebuilding ?

(c) Has any official decision been taken in regard to the future of Quetta ?

(d) Have Government received representations regarding deep resentment in non-official circles against the ban upon the entry of relief workers in Quetta ?

THE HONOURABLE SIR BERTRAND GLANCY : (a) The Honourable Member's attention is invited to the pamphlet *The Quetta Earthquake, 1935*.

(b) The present estimate of the cost of reconstructing official buildings is between Rs. 7 and Rs. 8 crores. This estimate is necessarily extremely rough.

(c) The matter is under consideration.

(d) Government have received complaints from some quarters. The prohibition of entry into Quetta of private individuals was, however, absolutely essential for the reasons stated in press communiqués, dated the 3rd, 4th and 5th June, 1935.

THE HONOURABLE MR. P. N. SAPRU : Is the Government aware that this order prohibiting the entry of non-officials into Quetta has caused much dissatisfaction in the country and much loss to the business community ?

THE HONOURABLE SIR BERTRAND GLANCY : I have already answered that under (d).

TRAFFIC IN SPURIOUS DRUGS.

100. THE HONOURABLE MR. P. N. SAPRU : (a) Will Government be pleased to state whether it is a fact that traffic in spurious drugs has increased considerably in volume in recent years ?

(b) Do Government propose to undertake legislation for the effective and uniform control of drugs throughout the country ?

(c) Have Government been informed that the feeling in commercial circles is that Government have not done enough to encourage the development of the drugs industry in this country ?

(d) Has Government received any representation from the Federation of Indian Chambers of Commerce in regard to the Drugs Inquiry Committee ?

(e) If so, what action they propose to take thereon ?

THE HONOURABLE MR. RAM CHANDRA : (a) and (c). Government have no information but the position may possibly be as stated by the Honourable Member.

(d) Yes.

(b) and (e). I would invite the Honourable Member's attention to my speech on the 18th September, on the Resolution moved by the Honourable Khan Bahadur Dr. Sir Nasarvanji Choksy.

THE HONOURABLE MR. P. N. SAPRU : Sir, after their defeat over the Resolution, what will Government do ?

THE HONOURABLE MR. RAM CHANDRA : The Government will carefully consider the Resolution passed by this Honourable House.

DEATHS FROM MALARIA AND CONSUMPTION OF QUININE.

101. THE HONOURABLE MR. P. N. SAPRU : (a) Is it a fact that the number of untreated malaria cases exceed a hundred million in this country ?

(b) What is the consumption per head of quinine in India ?

(c) Is it a fact that quinine sold in the market is often adulterated ?

(d) Did the Indian Drugs Inquiry Committee make any recommendations in regard to the encouragement of the quinine industry in India ?

(e) Do Government propose to give effect to those recommendations ?

THE HONOURABLE MR. RAM CHANDRA : (a) There is no record of untreated malaria cases.

(b) Details of the amount of quinine issued by the Public Health Department in each district in India will be found in Table M of the Public Health Commissioner's Annual Report, copies of which are available in the Library of the House.

(c) Instances have come to the notice of Government where quinine sold in the market was, on analysis, found to be adulterated.

(d) The Committee's recommendations are summarised in paragraphs 486 and 487 of their report.

(e) Under the New Constitution the production, supply and distribution of quinine will be a provincial subject.

NUMBER OF TROOPS DESPATCHED TO ABYSSINIA.

102. THE HONOURABLE MR. P. N. SAPRU: (a) What is the total number of troops despatched to Abyssinia?

(b) Do Government propose to send any further troops?

(c) What is the total number of Indians resident in Abyssinia?

(d) Who will pay the cost of the despatch of troops?

THE HONOURABLE SIR BERTRAND GLANCY: (a) If the Honourable Member is referring to the small detachment which was sent to strengthen the British Legation guard at Addis Ababa, its number is 148.

(b) No.

(c) Approximately 1,100.

(d) His Majesty's Government.

RECRUITMENT TO THE INDIAN CIVIL SERVICE DURING THE LAST FIVE YEARS.

103. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Will Government be pleased to lay on the table the following information with regard to recruitment to the Indian Civil Service year by year for the last five years or at least for the last three years:

(a) The number of candidates recruited on the result of the competitive examination held in London:

(i) the number of Indian candidates recruited, classified according to their community, caste, and province; and

(ii) the number of Indian candidates posted to the United Provinces classified according to the different provinces to which they belonged?

(b) The number of candidates recruited on the result of the competitive examination held in India, with particulars asked for in (i) and (ii) of part (a); and

(c) The number of candidates recruited by means of nomination with particulars asked for in (i) and (ii) of part (a)?

THE HONOURABLE MR. T. SLOAN: I lay on the table a statement giving the information required so far as it is readily available. I regret that information regarding the caste of the candidates is not readily available and cannot be collected without an amount of labour which would hardly be commensurate with the value of the results obtained.

Statement showing the number of Indians appointed to the Indian Civil Service, communities to which the candidates belong, province of origin of the candidates and number (with province of origin) of candidates posted to the United Provinces.

Year.	No. of candidates recruited.	Communities to which the candidates belong.						Province of origin of the candidates.							No. of candidates allotted to the United Provinces.	Province of origin of the candidates allotted to the United Provinces.	Remarks					
		Hindus.	Muslims.	Sikhs.	Indian Christians.	Anglo-Indians.	Parsis.	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Bihar and Orissa.	Central Provinces.				Assam.	Delhi.	Indian States.		
1930 ..	24	21	1	..	..	..	2	8	7	1	..	..	..	3	..	..	5	5	5	Madras 2, Bombay 2, C. P. I.		
1931 ..	10	8	1	..	1*	..	..	4	1	3	..	..	1	..	..	..	1	2	2	Bengal 1, Bihar and Orissa 1.		*Armenian Christian.
1932 ..	15	10	3	..	..	2	..	3	3	..	2	1	1	4	..	..	1	3	3	Madras 1, U. P. 1, C. P. I.		
1933 ..	16	12	2	..	2	..	..	6	3	3	2	1	..	..	..	..	1	3	3	Madras 1, U. P. 1, Indian States 1.		
1934 ..	13	11	1	..	..	1	1	7	1	2	..	2	..	..	..	1	..	3	3	Madras 1, Punjab 1, Delhi 1.		
(a) Number, etc., of candidates recruited on the results of competitive examinations held in London.																						
1931 ..	11	4	6	..	1	..	..	..	..	..	6	3	..	..	..	..	2	3	3	U. P. 3.		
1932 ..	5	5	..	..	..	..	..	2	..	..	1	1	..	..	..	1	..	1	1	Delhi 1.		
1933 ..	4	3	1	..	..	..	..	1	..	..	1	..	..	..	..	2	..	1	1	Delhi 1.		
1934 ..	4	3	1	..	..	..	..	2	..	..	2	..	..	..	..	..	..	1	1	U. P. 1.		
1935 ..	4	2	2	..	..	..	..	..	..	..	3	1	..	..	..	..	..	1	1	U. P. 1.		
(b) Number, etc., of candidates recruited on the results of competitive examinations held in India.																						

M65CS

Statement showing the number of Indians appointed to the Indian Civil Service, communities to which the candidates belong, province of origin of the candidates and number (with province of origin) of candidates posted to the United Provinces—contd.

Year.	No. of candidates recruited.	Communities to which the candidates belong.						Province of origin of the candidates.							No. of candidates allotted to the United Provinces.	Province of origin of the candidates allotted to the United Provinces.	Remarks.		
		Hindus.	Muslims.	Sikhs.	Indian Christians.	Anglo-Indians.	Parsis.	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Bihar and Orissa.	Central Provinces.				Assam.	Delhi.
1931	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Punjab I.
1932	4	3	1	1	1	1	1	1	1	2	2	1	1	1	1	1	1	1	1
1933	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
1934	2	2	2	..	..	..	..	..	..	1	..	..	..	..	..	..	1	..	..
1935	2	2	2	..	..	..	..	..	..	..	1	1	1	1	1	1	..	..	..
Total	116	79	26	2	4	2	3	33	15	9	21	13	3	7	..	4	11	24	..

(c) Number, etc., of candidates recruited by means of nomination.

NOTE 1.—This statement contains information relating to candidates who are of Indian domicile only, i.e., information is not given about Burmans, Ceylonese and Anglo-Indian candidates of non-Asiatic domicile.

NOTE 2.—Allotment of candidates is made after taking into consideration, (i) the exigencies of public service, (ii) the preferences of the candidates, (iii) the communal composition of the service in each province, and (iv) the views of Local Governments.

HARDWAR IMPROVEMENT ADVISORY COMMITTEE.

104. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD:
(a) Is it a fact that the United Provinces Government have appointed an Advisory Committee for the improvement of Hardwar?

(b) Will Government please state whether the railway authorities received any representations from the said Hardwar Improvement Advisory Committee regarding the improvement of the Hardwar railway station? If so, with what result?

THE HONOURABLE SIR MAURICE BRAYSHAY: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

WAITING ROOMS AT RAILWAY STATION, HARDWAR, ROHILKUND AND KUMAON RAILWAY.

105. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD:
(a) Is it a fact that the upper class passenger waiting rooms, both for ladies and gentlemen, at the Hardwar railway station are very inadequately fitted and equipped as compared with those at the Lhaksar railway station? Have Government considered the desirability of providing a better equipment and fitting in the said upper class waiting rooms at Hardwar railway station?

(b) Is it a fact that the inter class waiting room at the Hardwar railway station is far from the station platform and very low down? If so, have Government considered the desirability of providing an inter class waiting room in a convenient place closer to the platform?

(c) Is it a fact that the III class passenger waiting shed at the Hardwar railway station is inadequate for purposes of even the seasonal traffic? Have Government considered the desirability of providing for III class passengers at this station a bigger waiting shed to accommodate the large seasonal and *mela* traffic at a place nearer the platform than at present?

(For reply, see under question No. 106.)

BATHROOMS AT RAILWAY STATION, HARDWAR, ROHILKUND AND KUMAON RAILWAY.

106. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD:
(a) Is it a fact that the bathroom arrangements at the Hardwar railway station are of a primitive character? Have Government considered the desirability of providing bathrooms of a better type at this station?

(b) Is it a fact that passengers, both upper and lower class, have to go over the long island platform and the over-bridge to reach the exit at the Hardwar railway station exposed all along to the inclemencies of sun and rain? If so, have Government considered the advisability of providing protection on the platform and the over-bridge?

(c) Is it a fact that there is no place within the Hardwar railway station limits for the parking of tongas, lorries and motor cars with the result that passengers have to walk a very long distance to the station? If so, have Government considered the desirability of providing a parking ground for vehicles within the station limits at a convenient site?

THE HONOURABLE SIR MAURICE BRAYSHAY: With your permission, Sir, I propose to answer questions Nos. 105 and 106 together.

Government have no information on the subject. They consider that such matters are best settled by the Agent, with the advice of his advisory committee. I am sending him a copy of the questions.

**CONSTRUCTION OF A RAILWAY LINE BETWEEN KASHIPUR AND KALAGARH
via THAKURDWARA.**

107. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Will Government please state whether they have come to a decision in respect of the construction of a Rohilkund and Kumaun railway line between Kashipur and Kalagarh *via* Thakurdwara in the United Provinces?

THE HONOURABLE SIR MAURICE BRAYSHAY: Government have asked the Rohilkund and Kumaon Railway for certain information and are awaiting their reply.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Will the reply be given to me in due course?

THE HONOURABLE SIR MAURICE BRAYSHAY: Yes.

**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 18th September, 1935, namely:

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

A Bill to amend the Factories Act, 1934, for a certain purpose.

**NOMINATION OF NON-OFFICIAL MEMBERS FOR ELECTION TO
THE STANDING COMMITTEE ON EMIGRATION.**

THE HONOURABLE THE PRESIDENT: I have now to announce that the following Honourable Members have been nominated for election to sit on the Standing Committee for Emigration, *vice* Mr. B. K. Basu, C.I.E.

The Honourable Mr. P. N. Saprú and

The Honourable Sir David Devadoss.

There are two candidates for one seat and the election will therefore take place on Wednesday, the 25th September, 1935.

**ELECTION OF A NON-OFFICIAL MEMBER TO THE STANDING
COMMITTEE FOR ROADS.**

THE HONOURABLE THE PRESIDENT: I have also to announce that the Honourable Sir Phiroze Sethna has been nominated for election to serve on the Standing Committee for Roads, in place of Sir Ernest Miller for the remaining months of the financial year 1935-36. I therefore declare him to be duly elected to that Committee.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: (Madras: Muhammadan): Sir, today being Friday, we have to go for our Juma prayers which begin at about one o'clock. I request that the Council may be adjourned a little earlier than usual for Lunch so that we may be able to go to the Lower Bazaar Mosque by one o'clock.

THE HONOURABLE THE PRESIDENT: I think we ought to finish to-day's work before a quarter to one of the clock. That is my opinion. However, I shall see later on.

RESOLUTION RE GLASS INDUSTRY.

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 give effect to the recommendations of the Tariff Board in the matter of the glass industry".

Sir, though the traces of the glass industry are to be found as far back as 306 B. C. during the reign of the Sinhalese kings, its development as a flourishing industry is very recent. It was during the Great War that this industry received an impetus and three factories were established. Later on it developed so much that at the present moment we find 32 factories manufacturing general glassware, 26 factories manufacturing bangles and one manufacturing false pearls. These factories can very well cope with most of the requirements of the country at present. The output of these factories in 1920 was scarcely Rs. 40 lakhs, but in 1931 it grew to Rs. 140 lakhs. In 1929-30 the import of bangles and glass was Rs. 251.93 lakhs, but owing to the development of this industry, the import dwindled very much and in 1934-35 the import came down to the figure of Rs. 132.56 lakhs.

Sir, in 1920, the Indian factories could cope with the demands of the country to the extent of one-fourth only, but since then, at present, they can cope with more than half the demand. This shows that the capitalists of this country are taking a keen interest in the development of the glass industry.

Sir, it was on the 6th of February, 1923, that a Resolution was moved by Mr. Jamnadas Dwarkadas in the other House that Indian industries should get protection from the Government. An amendment was moved by the then Mr. C. A. Innes, Secretary in the Commerce Department, and the Resolution as amended was adopted and accepted by the Government. Since then, a policy of protection is being pursued towards the indigenous industries of this country, and several Tariff Boards have been appointed on the demand of particular industries requiring protection. With your permission, Sir, I will just say a word on the appointment of these Tariff Boards. The way in which these Tariff Boards are being appointed is not considered to be very satisfactory. The Government selects members whom they either know to have some pronounced views or whom they want to oblige. The result is that in the majority of cases they try to put in reports which would be liked by the Government.

THE HONOURABLE MR. T. A. STEWART: On a point of information, Sir. Is the Honourable Member speaking on his own Resolution or on the Honourable Mr. Saprú's Adjournment Motion which did not come off?

THE HONOURABLE THE PRESIDENT: I also thought that the Honourable Member was utilising his Resolution for the opportunity which he lost yesterday. However, I was just endeavouring to follow him to see where the Honourable Member was drifting. If I see that he goes out of order I shall promptly check him.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have not mentioned it. I was only going to develop my arguments and try and place before the House why the recommendations of this Tariff Board were not accepted.

Sir, there were several Tariff Boards appointed and the recommendations in the majority of the cases were accepted by the Government, but I do not know why the recommendations of the Tariff Board on the glass industry have not been accepted. This shows that if some judges are appointed on the Tariff Board with special and technical advisers, it will be much better and that such a Board will command greater confidence of the public at large. This is so far as the policy of the Tariff Board is concerned.

Let us now come to the personnel of this Tariff Board whose recommendations have not been accepted by the Government.

THE HONOURABLE THE PRESIDENT: Would it serve any useful purpose at this stage to refer to the personnel of this Tariff Board? Their findings have already been given. You can refer to the subject and say that the action of the Government was wrong. That is perfectly permissible. But as regards the personnel, I do not think it would be proper for you to refer to it at this stage.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am coming to that. I want to point out that they made very good recommendations and that those recommendations ought to have been accepted by the Government. That is my only point. Sir, the personnel of this Board was as follows:

Dr. J. Mathias, *President*.

Mr. Fazal Ibrahim Rahimtoola, *Member*.

Mr. G. T. Boag, C.I.E., I.C.S., *Member*.

Mr. G. S. Bozman, I.C.S., *Secretary*.

Mr. F. W. Hodkin, B.Sc., F.I.C., *Technical Adviser*.

The Tariff Board worked for months and went round to all the centres of the industry recording evidence before giving their findings. In the terms of reference to this Tariff Board three points were particularly mentioned by Government on which they were asked to submit their report. These were: (1) Whether the conditions laid down in the report of the Indian Fiscal Commission are satisfied in the case of the industry and to what extent, if any, and in respect of what articles or class or description of articles protection should be afforded? (2) In what form and for what period protection, if any, should be given? and (3) How its recommendations, if any, will affect other industries? The policy of the Government was very doubtful from the very beginning as I will submit

to the House. Representations for the protection of this industry were made as far back as 1926. Repeated representations were made but no Tariff Board was appointed for six years, the present Tariff Board not being appointed till October, 1931. It submitted its report in March, 1933, but the Government sat tight upon the report without giving it publicity. Representations were made and it was demanded in the press that the report should see the light of day, but for a full three years Government did not even publish it. It was not till June, 1935, that the report was published with the Resolution of the Government regretting that they could not accept the recommendations of the Board.

Now let us see whether this Board gave a full report on the terms of reference or not. As to the first question, whether the conditions laid down by the Indian Fiscal Commission are satisfied, the Board dealt very thoroughly with it and, with your permission, I will quote one or two sentences from the report to show what was their unanimous opinion. On page 14 they say:

"For the present it is sufficient to say that it is clear that in recent years the industry in general has made considerable progress in the methods of production in the kinds of ware manufactured and the adaptation of refractory materials available in India to the manufacture of crucibles and furnace blocks".

Sir, later on, on page 51, paragraph 63, they say:

"Our examination of various factors which concern the natural advantages postulated by the Fiscal Commission in an industry which advances a claim for protection has satisfied us that the glass industry substantially complies with this condition. Of the raw materials, sand is the bulkiest and this is present in abundance and there is good reason to think that by suitable treatment much of the Indian sand might be rendered fit for the manufacture of the best glass. Soda is not at present obtainable in the country, but this disadvantage is balanced by the other natural advantages possessed by the industry. The manufacture of soda has been achieved successfully in India and there is good reason for expecting an early resumption of its manufacture and supplies will at once become available. Land is available in unlimited quantities".

Further on, on page 52 they say:

"We are therefore satisfied that on balance the glass industry does possess such natural advantages as to justify its claim for protection".

That was their unanimous and pronounced verdict on the inquiry whether the glass industry should have protection or not. And after giving their finding that the industry satisfies all the conditions and it should receive protection, they recommended the detailed rate of protection which should be given, which you will find on page 97. They recommended:

"(1) Sheet and plate glass, including figured and ribbed glass—Rs. 4 per 100 square feet, or 25 per cent. *ad valorem*, whichever is higher.

(2) Bangles, beads, and false pearls—50 per cent. *ad valorem*.

(3) Glass and glassware of the kinds specified below—50 per cent. *ad valorem*".

Sir, in this way they made their recommendations; and as for the period of protection, they said that.

"Sufficient time should be afforded to the industry to make full use of the protection granted, so that the reorganisation which we have in view may be completed. We think that in the circumstances of the glass industry a longer period of protection is required than the period generally recommended in other cases. We propose that the protective duties should remain in force for a period of ten years. A shorter period than

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

ten years will be insufficient to create the necessary confidence on the part of the investors in the future of the glass industry”.

So, Sir, they considered this industry important and considered that its development was so necessary that they went out of the way to recommend protection for it for ten years. There can be only one objection to this recommendation and that is from the consumer's point of view ; the question is, will the consumers be better off or will they have to pay higher prices and what will be the price they will have to pay ? The Board has dealt with this point also, and they have tried to show, or rather they have proved, that there will not be much loss to the consumers. In this connection they say in paragraph 120 :

“ The extra burden involved in our proposals is not, however, so excessive as to constitute a valid objection to the grant of protection. We are satisfied that in the great majority of cases it is not heavier than the burden which may normally be expected from the application of protective proposals ”.

Sir, I will not read the whole paragraph and waste the time of the House. They have tried to show that even a middleman building a house and spending as much as 500 square feet of sheet glass will have to pay an extra cost of only Rs. 12-8-0 for the whole of his building and they have shown that only two pies per dozen pairs of bangles will be in excess that the consumers will have to pay on account of this protective duty. So, Sir, the report is very satisfactory and thorough from all points of view, but I do not see why Government have not accepted the recommendation ? Let us examine what they say in their Resolution of the 22nd June on this report. The only important point that they have taken into consideration was the importance of the use of soda ash. That is what I can find from this Resolution. As for other matters, the Government say in the Resolution that they do not propose to take final decision at present and it is unnecessary to discuss these points now. In paragraph 2 of their Resolution the Government say :

“ The report of the Tariff Board, which is published today for general information, shows that the glass industry has a wide geographical distribution in India and that there are as marked differences in the nature of its products and in the methods of their manufacture as in its location. But whatever differences may exist in these respects, the report makes it clear that all branches of the industry have a common need for the same raw materials. In Chapter II of its report the Board, in accordance with its terms of reference, has investigated the natural advantages possessed by the industry with a view to determining whether it satisfies the first condition prescribed by the Indian Fiscal Commission and in particular it has examined the resources of the industry in respect of raw materials. Of these by far the two most important are silica and soda ash, and while the Board is of opinion that ample supplies of the former in the form of sand of sufficiently good quality are available, it has found that satisfactory sources of soda ash are not yet in existence in India and that the industry is dependent on imported supplies. The Board does not, however, consider that this fact in itself invalidates the claim for protection and it finds that the first of the conditions prescribed by the Fiscal Commission is satisfied ”.

This is what the Government say on this report. After discussing it in this paragraph, they say :

“ The Government of India regret that they are unable to accept this finding. They are of the opinion that the absence of indigenous supplies of a raw material which in the United Provinces, where the glass industry is to a great extent concentrated, represents 70—75 per cent. of the total cost of materials and which even at ports of entry represents 30—45

per cent. of that cost, constitutes a disadvantage to the industry which cannot possibly be balanced by any advantages which it possesses in other respects”.

With the above observation they have rejected the report. The one important reason, as I have said, given by the Government was the non-existence of the supply of soda ash. We, on this side of the House, Sir, have our own suspicions and doubts on this matter as to why the Government kept this report pending for three years and at the end of three years they have rejected it on the one ground of non-existence of soda ash.

THE HONOURABLE THE PRESIDENT: You have already referred to that matter in the earlier part of your speech. Please do not repeat yourself.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: That is the one point on which they have based their conclusion.

THE HONOURABLE THE PRESIDENT: You have already said that.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: They were watching the existence of the Imperial Chemical Company for which they have given a monopoly in the Punjab. That Company will have the full monopoly for the manufacture of soda ash for 50 years to come and perhaps it was due to this that they waited so long. There is already one other factory existing. In reply to the question put by my Honourable friend Mr. Sapru the other day the Government said that the firm is existing, its name is Shree Sakthi Alkali Works in Dhrangadhra State. They have also accepted that if this firm works fully it can satisfy the full demand of India so far as soda ash is concerned. Only on account of some financial difficulties it is not working at present. If the Government had come forward to give protection to the glass industry, I am sure a number of financiers would have come forward to work that company and produce soda ash for the requirements of the industry. Government rejected the report by this Resolution. The Federation of Indian Chambers of Commerce and Industry met at Bombay on the 5th July and sent a letter to the Secretary to the Government of India, Department of Commerce, Simla, on the 18th of July. In this letter, Sir, they have fully discussed the pros and cons of the Resolution and they have made out a very strong case for the acceptance of the recommendations of the Tariff Board and have proved that the reasons embodied in the Government Resolution have not a strong basis. With your permission, I will quote two or three sentences from this letter sent by the Secretary of the Federation of Indian Chambers of Commerce and Industry.

THE HONOURABLE THE PRESIDENT: You have got two minutes more to finish your speech.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I shall finish in two minutes, Sir. They said :

“ The question of the supply of soda ash presents some difficulty in so far as the requirements of the industry have to be imported from abroad, though there are deposits of soda ash in crude form in different parts of India ”.

Further on, they say :

“ The Tariff Board examined very carefully the relative importance of soda ash to the manufacture of glass and came to the conclusion that as the cost of soda ash varies

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

between 10 to 25 per cent. of the cost of production, the fact that the glass industry is dependent upon the cost of soda ash does not invalidate the claim to protection. The Government of India, instead of accepting this finding of the Tariff Board, put forth the plea that the cost of soda ash represents 70 to 75 per cent. of the total cost of materials and therefore constitutes a disadvantage to the industry, which cannot be counterbalanced by other advantages.....

The criterion which the Government of India have applied in comparing the cost of soda ash to the cost of materials instead of to the total cost of production of the article, is entirely erroneous in principle as it is not the cost of materials but the cost of production of an article which determines the market price in the market against the selling price of an imported one, and the Committee feel that it is unfair for the Government of India to judge the claim of the industry to protection by a wrong standard. The Committee understand that this fresh source of supply refers to the proposal of the Imperial Chemicals to start a factory for the manufacture of soda ash and for which a long term concession was given by the Punjab Government and the Government of India to the Imperial Chemicals in spite of the protests from the commercial community in India".

Sir, later on, they say :

"The attitude of the Government of India in this respect testifies to the lack of imagination to industrialise India when an opportunity offered itself to them as in the case of the glass industry".

Sir, they have expressed their views and proved that the basis on which
12 Noon. the Government rejected the report was not right.

With these words, Sir, I move the Resolution.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary) : Sir, may I, before considering the arguments of the Honourable Member, make reference to one particular matter that he raised. He said that there were grave suspicions and doubts that the delay in dealing with this report was entirely in the interests of Imperial Chemical Industries. That, Sir, is a statement that was contained in a letter from the Federation of Indian Chambers which was sent to the Commerce Department and which received wide publicity in the daily press. That statement, Sir, was most emphatically denied and I am surprised that the Honourable Member should think fit to repeat the suggestion here and now when such a denial had been made public.

The Honourable Member raises three points for our consideration. The first is : Is it incumbent on Government to accept without question the recommendations of the Tariff Board : This is a new theory to me. What is the warrant for the existence of the Tariff Board ? The Honourable Member will find it in that famous Resolution of February, 1923. If I may read a few words from it—in part (d) of the Resolution adopted in the Legislative Assembly—it was recommended :

"that in order that effect may be given to these recommendations a Tariff Board should be constituted for a period not exceeding one year in the first instance, that such Tariff Board should be a purely investigating and advisory body, etc."

I do not know whether the Honourable Member himself or any other Member of this Honourable House is prepared to hand over to any investigating or advisory body their own legislative functions and if they are prepared to accept without question the recommendations of such a body ? At the present moment the Executive Government is not prepared to do so, Sir.

The next issue is really whether or not a claim for substantive protection has been established by the glass industry. Honourable Members are very

well aware that, before an industry is granted protection under the existing policy of the Government of India, it is required to fulfil three conditions. Let me state them briefly. The first is that it should possess natural advantages in respect of the supply of raw material, the supply of labour and power and in respect of the existence of an adequate market. The second condition is that it should be an industry which without a measure of protection could not develop, or develop so rapidly as might be desirable in the interests of the country. And the third condition is that, after a reasonable period of protection, it should ultimately be in the position to stand on its own feet. The controversy, Sir, in respect of the glass industry has arisen over the issue, whether or not the first condition of the Tariff Board is fulfilled. Now, the Tariff Board itself a few years ago, when investigating the claim for protection of the Indian Electrical Cable Manufacturing Industry held that it was a fatal objection to the claim, not that there was no copper in India but merely that no copper of the requisite quality was available and it could not be produced at an economical price. In the present case, there are not even adequate supplies of soda ash and I have yet to hear it denied that soda ash is the most raw material in this industry. Figures have been quoted to show that it constitutes something like 10 to 15 per cent. of the total cost of production of glass but that does not help us in any way. The point is that we are depending entirely for our supplies of soda ash on imports from abroad. It is impossible to calculate at what price these imports will be available. It is impossible to forecast that they will even be available at all. Now, Sir, a private enterprise may take the risk,—private enterprises do take the risk,—that their supplies will rise in price or that they may be cut off. But when it comes to granting protection, the case is somewhat different. When the Fiscal Commission first of all framed this first condition they said that it was necessary to ensure that no industry is protected which would become a permanent burden on the community. Can it be said, in ignorance of what our supplies are going to cost us, in ignorance of whether we are going to get supplies at all, can it be said that this burden will not be permanent ? It is part of the theory of the Indian Fiscal Commission that it is reasonable that the community as a whole should for a reasonable period bear a reasonable burden in order to hasten the industrialisation of India. But in this case the burden may be borne by the general consumer not in the interests of the industry but in order to pay the person who supplies from abroad. If it were the industry that was getting the benefit, there would be less to say. But, as it is, the Indian consumer may be bled for the benefit of the outside supplier. The Board in the last resort justified its finding that this first condition was fulfilled by the fact that it was expected that the Shree Shakti Alkali Works at Dhrangadhra would soon be producing soda ash on an economic and commercial scale. It was for this reason, Sir, that the Government of India, instead of dismissing summarily the case for protection on the ground that the first condition was not fulfilled, delayed in the hope that reasonable supplies of soda ash will be forthcoming. These anticipations, Sir, have not been realised. The Shree Shakti Alkali Works is not yet producing on an economic and commercial scale. In the meantime, Sir, help has been given to the industry by the removal of the duty on soda ash. It is fashionable to decry the value of that concession. It represents something like 3 to 5 per cent. on the total cost of production.

THE HONOURABLE MR. HOSSAIN IMAM : What is the proportion on the cost of the raw material ?

THE HONOURABLE MR. T. A. STEWART : The Tariff Board says that in the United Provinces soda ash represents from 70 to 75 per cent. of the total cost of the raw material, and even at the ports where there is very little in the way of freight charges, it is from 35 to 40 per cent. This 3 to 5 per cent. saving has also been depreciated by people who consider that any stick is good enough to beat the dog with. I do not know what their particular businesses are but a matter of 3 to 5 per cent. difference in their profit or loss is, I suggest, not to be despised.

The second condition is that the industry should be one which without protection would not be able to develop. I do not propose to contest the fact that the glass industry without protection would not develop, but I do emphasise that this alone does not justify the grant of protection.

The third condition is that the industry must be one which will ultimately be able to dispense with protection. Any estimation of this possibility depends of course on the calculations of the future costs of the industry. In paragraph 69 of the report the Board admits quite frankly that it is impossible to calculate what the future costs of the industry will be. In paragraph 71, again, it admits that the sheet glass industry can never be able to compete with imported glass. The Board considers that the fact that imports from abroad are dumped imports justifies it in readjusting its calculations. Government do not admit that the imports from abroad are dumped, but even if we accept that assumption, and even if we accept the assumption that the price of sheet glass will not vary in the future, the ultimate conclusion of the Board itself is that the industry will never be able to dispense with a protective duty. It is clear therefore that even the third condition is not fulfilled.

I now turn to the specific recommendations of the Board. In view of my having established the position that the first and third conditions have not been fulfilled, it is unnecessary for me to discuss in detail the specific recommendations. I would, however, point out that these are not above criticism either. For example, in dealing with bangles, the calculations of the Board are based on the assumption that the duty now leviable is something like 33½ per cent. lower than it really is. The Board has recommended protection for plate glass which never has been produced in India and it is most unlikely that it will ever be produced. In calculating the duty on bottles and phials, the Tariff Board, although it had the example of a mechanically worked factory whose costs might have been obtained, preferred to calculate the costs of mechanical production from the costs of a manual factory. They have put an all round duty on table ware. India produces only a few of the coarser types of tumblers, jugs and things of that sort, but notwithstanding this fact, it is suggested that no matter what the import, however valuable the import is, however impossible it may be for India to produce it, all these imports should be taxed. Well, Sir, I quote these examples to show that the specific recommendations could not possibly be adopted without a critical examination and amendment. But I would point out in conclusion that it is not so much the

case of the glass industry that is at issue. If the Honourable Member's Resolution is accepted, if this House thinks that the glass industry should be given protection whether or not it has fulfilled those essential conditions which were laid down by the Fiscal Commission, if that is the decision of the House, it is equivalent, to throwing overboard the policy of discriminating protection. That is a policy, Sir, that was adopted many years ago and it is one that we believe holds a reasonably even balance between the industrialist and the consumer. There have indeed been criticisms that even with these very salutary limitations upon it, the policy of discriminating protection has borne hardly on the consumer. If that is so, then if we abandon those limitations, the lot of the consumer will indeed be one to be pitied.

With these words, Sir, I oppose the Resolution.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, the speech which my Honourable friend Mr. Stewart has delivered today was more in favour of my usual attitude than that which is his usual attitude about protection ! He has eased my task enormously and I hope to use the argument which he has used today against him when the time comes. Sir, we perfectly agree with him that the functions of the Tariff Board are purely advisory, that they are to examine as an expert body, and that the Executive have every right to go back upon their recommendations, but we differ from him wholly in one essential, that is, that the Government can repudiate on political grounds, but they cannot and I think they are not competent to be judges on economic grounds, otherwise there is no need of having an expert body. For political reasons or other causes you may repudiate the Board, but when the Board having made inquiries reports that the industry fulfils certain conditions laid down by the Fiscal Commission, it is not meet for the Commerce Department to repudiate them. In this question much has been made of the relative position of soda ash in the manufacture of glass. I would like the Commerce Department to enunciate once for all time the principle which they will follow in the case of every industry. If we know that in the case of every industry in which the cost of the imported material as against the raw material produced in the country, leaving aside the production costs, is more than 50 per cent. that that industry will be given protection, we can understand that principle and follow it. In that case I would ask the Honourable Mr. Stewart to bring in a Bill to repeal the steel duties and the textile protection law, for in those cases this principle has been given the go-by. For instance, take corrugated iron sheets. The cost of the raw material for these, which happens to be pig iron, and the cost of zinc which is also utilised and which is imported from a cartel controlling the world production of that material, would be in almost the same ratio as that of soda ash in the case of glass in the cost per ton in the manufacture of corrugated iron sheets. Then, the whole of the raw material in the production of the higher counts of the cotton yarn and twist is imported from Uganda and other places, but that is being protected. We have just now appointed a special Tariff Board to inquire into the case of those industries which derive the whole of their raw material from abroad. And they are thought to be fit enough to be given protection although as a matter of fact cloth happens to be a thing of universal consumption and as such there is greater need that it should not be subject to high

*Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

duties. It is one of the foremost and fundamental principles of the English tariff system that the requirements of the poor, the teeming millions, should be taxed as lightly as possible. Now, Sir, I do not say that Government has done wrong in giving protection, but the point is, when a poor industry comes forward and asks for protection the Government have different arguments to advance in opposing it than they do in the case of a rich industry which can agitate and make a great deal of noise. In the latter case the Government is prepared to do things which they are not prepared to do in the other. The cotton industry has received protection for a long time, and on the last occasion they made out a case and we saw that they deserved protection. But why not follow the same rule in every case. If you are prepared to give protection to textiles manufactured from cotton from Uganda, why not also give the protection in another case where the entire production is from a raw material imported from abroad? In one case it is fit for protection, but in another case it is not.

Now, Sir, I come to the third principle which he enunciated, that we do not yet know what effect protection might have on the price of soda ash, that it is possible that if we give protection the price of soda ash might rise so much that the protection may be of no use. A reply to that is that the Government have helped and should help indigenous manufacturers, if need be, by bounties in the production of soda ash in the country. What is the difficulty as to why soda ash cannot be produced as cheaply in India as in other countries? Is it due to any intrinsic defect? I cannot answer that. It is for the Government to inquire if they want to. But they should themselves have been inclined to take this action, especially after waiting for all these years only to reject the recommendation. What was the good of their having this elaborate inquiry only to throw it into the waste-paper basket? If the Government was really serious and had really the wish to judge this industry on its merits and not to penalise it for being a small industry, the only course open to them was to inquire how far they could help in the production of soda ash; and if they had found after expert inquiry that even with the aid of bounties it would not be possible to manufacture soda ash cheaply in India or to establish this industry, then they would have had some sort of justification for refusing protection to the glass industry.

With these words, Sir, I strongly support the Resolution moved.

THE HONOURABLE THE PRESIDENT: I have received an application signed by all the Muhammadan Members of the Council asking me to adjourn the House in order to enable them to offer their prayers, and as this has been the practice prevailing I shall adjourn the House now till half past two in the afternoon.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the Chairman (the Honourable Sir Phiroze Sethna) in the Chair.

THE HONOURABLE THE CHAIRMAN: The Council will now resume discussion on the Resolution moved by the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, the Honourable Mr. Stewart asked the House to consider whether or not a claim for substantive protection has been established for the industry. I think I can do no better than tell the House how adversely competition from Japan is affecting the Indian glass industry. There is a glass factory in my province, the United Provinces, called the Bahjoi Glass Works. It has to contend with the competition of Japan which has reduced its prices and as a consequence the Bahjoi Works are incurring heavy losses. The kind of cut-throat competition which the industry has to face is indicated by the fact that the present *c. i. f.* price of Japanese four ounce phials is Rs. 2-12-0 per gross, while the cost of manufacturing such phials to an Indian factory is Rs. 4-13-0. Similarly in the case of bottles the *c. i. f.* price of 16 ounce tincture bottles from Japan is Rs. 9 per gross against the cost to the Indian producer of Rs. 15-12-2 per gross. In this connection the Council of the Merchants' Chamber of the United Provinces point out that in March, 1932, when the Tariff Board signed their report on the glass industry the Rupee-Yen exchange stood at 120 and at present it remains round about 77. The fall of the Yen by itself provides sufficient justification for the enhancement of the rate of duty on bottles and phials of which Japan is the principal importer to the Indian market. The Indo-Japanese Trade Convention, I understand, has a specific provision giving freedom to the Government of India to correct the adverse effect on an Indian industry of the fall of the Yen. So, Sir, I am of opinion that the case for protection of the Indian glass industry has been established beyond doubt and I hold that in the absence of any protection the glass industry, it is feared, may be crippled for ever. Now, the Government have made much of the so-called absence of soda ash in this country, and think that it is a disadvantage which has invalidated the industry's claim for protection. Sir P. C. Ray, Mr. Nalini Ranjan Sarkar, Sir Nilratan Sircar, Sir Badridas Goenka and Mr. D. N. Sen in a weighty statement assert that the Government's argument is "untenable" and "flimsy" and state that the figures given in the Government's Resolution relating to the proportionate share of the cost of soda ash in the manufacture of glass products

"are much higher than what actually represents the percentage ratio of the cost of soda ash to the total cost of production".

No one can deny that Sir. P. C. Ray and other distinguished signatories of the statement know what they talk about. The Tariff Board definitely considered "the extent" to which the disadvantage of the industry in respect of soda ash was "counterbalanced by advantages in other respects". There is the favourable position of the industry in regard to supplies of sand. And it enjoys "considerable advantages in other respects, such as fuel, labour and extent of market". The Board considered whether "the sum total of these advantages is sufficient to off-set the disability resulting from imported soda ash". And they felt that if reasonable improvements were effected in equipment and processes of manufacture and if a larger output could be secured, the Indian glass industry "will be able eventually to meet foreign competition

[Rai Bahadur Lala Jagdish Prasad.]

unaided". Sir, improvement in equipment and processes of manufacture in the industry as a whole are bound to take place if the industry were assured of reasonable security. Now, as regards the supplies of soda ash, I understood the Honourable Mr. Stewart to say that the Dhrangadhra factory was not running economically. Let us see what the Tariff Board had to say about this factory. "This factory worked for about six months in 1930", write the Tariff Board in their report.

"Financial difficulties forced it to suspend operations early in 1931, but preparations for re-starting it are almost complete. This plant", they continue, "is designed to produce 60 tons (soda ash) a day and if worked to capacity should produce not less than 18,000 tons a year, which is far more than the glass industry needs at present".

Then, Sir, I understand that a company has recently been floated in the United Provinces to take up the manufacture of soda ash from the salt resources of the Sambhar Lake. Now, one may well ask, Will not the grant of rebate of import duty on imported soda ash put these indigenous concerns at a disadvantage as against Imperial Chemicals, the purchasers of whose imported material will get preferential rebate of 10 per cent. more? Moreover, the Government of India have already said that they would reconsider this matter after three years by which time the Imperial Chemicals' Works are expected to be established at Khewra. But during these three years the Indian companies already in the field must work under this handicap. On the one hand, while differing with the finding of the Tariff Board, the Government

"are of opinion that the absence of indigenous raw material (soda ash)..... constitutes a disadvantage to the industry which cannot possibly be balanced by any advantages which it possesses in other respects"

and on the other they proceed to take measures which would militate against the development of indigenous sources of supply of soda ash.

In view of these considerations, Sir, the Government of India should reconsider the advisability of granting protection to the Indian glass industry at an early date as recommended by the Tariff Board.

But, Sir, the attitude of Government as regards protection to Indian industries is reflected in the speech which the Honourable the Finance Member, Sir James Grigg, made quite recently to the Indian Merchants' Chamber of Bombay. Referring to the question of protection, he said:

"Please do not forget that nine-tenths of the people are agriculturists and it is no good fostering industry and so on if you place upon the backs of the cultivator burdens too grievous to be borne. He made it clear that in his opinion even the protection that had been so far given was not desirable".

He added:

"When we consider that none of the protected industries, except steel, have shown any real sign of establishing themselves on a self-supporting basis and when we consider the serious inroads that protection has made into customs revenue—so that not only is the task of financing provincial autonomy being made extremely difficult but for years nation-building services have been starved in the interests of a comparatively small number of industrialists—when, I say, we reflect on these things, can it be denied that there is a lot to be said for the view that Government has been far too ready to listen to demands for high protection?"

(At this stage the Honourable the President occupied the Chair.)

Sir, I duly appreciate the Finance Member's interest in the well-being of the agriculturist. But I should like to draw the attention of the Government to the

fact that there are other agricultural countries in the world which are protecting their industries by means of tariff walls. The Governments of those countries do not think that the burden of the agriculturist cannot be made easier unless they permit indigenous industries to be crippled by foreign competition. Canada and Australia, predominantly agriculturist countries though they are, have been following a policy of high protection. Then, Britain has adopted a protectionist policy in spite of the fact that it is one of the most industrially advanced countries in the world. Why should this singular treatment be suggested in the case of India? If the Government are so solicitous about the condition of the agriculturist why should they instead not revise their financial policy and their huge expenditure and not take other steps to uplift the agriculturists? So, the Government should not be surprised if their method of dealing with Indian industries fails to be appreciated by Indian public opinion. I am strongly of opinion that our glass industry stands in urgent need of protection and therefore I heartily support the Resolution that has been so ably moved by my Honourable friend Mr. Mehrotra.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay: Non-Muhammadan) Sir, the glass industry of India has got a history behind it. It is not a new industry but is an industry which was in existence in this country as far back as the Third Century B.C. The industry in ancient times may not have attained the same standard of development as at the present moment, but the very existence of the industry in ancient times proves at least one thing, that if the industry be given some help, it may develop a stage when not only will there be no need to import glassware into India but may even be able to export such articles to other countries at competitive prices. Sir, there is no gainsaying the fact, that if protection as recommended by the Tariff Board is granted, the industry will develop rapidly and in a few years time will be able to stand on its own legs, when there will be no need of any further protection. It appears rather strange to me that the recommendations of the Tariff Board which was set up by Government at such a heavy cost to enquire about the particular industries which require protection should be set aside by them. The Board after a thorough investigation has come to the conclusion that the industry fulfils all the conditions laid down in the Fiscal Commission's Report and requires protection. Sir, if the protection is not given as recommended, the industry will be ruined and with the ruination of the industry all the capital invested therein will be lost and thousands of labourers will be thrown out of employment. In the absence of protection the industry will be unable to compete with cheaper imported foreign articles. I would therefore request the Government to reconsider their decision and give the protection recommended by the Board. Not only this, I would further request the Government to see that all orders of glass articles required by both the civil and the military departments should be placed with firms established in India, even if the rates quoted in the tenders submitted by such Indian firms be 5 per cent. or 10 per cent. higher than those of the imported articles. Sir, in this respect, I would request the Government of India to emulate the example of the Government of Bengal who have ordered the purchase of all indigenous articles required by them even at a price 5 per cent. higher than those of foreign ones.

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

M65CS

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay : Non-Muhammadan) : Sir, I want to make only one or two brief observations on the Resolution brought forward by my Honourable friend Mr. Mehrotra. As everyone is aware, the report of the Tariff Board on the glass industry was submitted to the Government three years ago. Sir, I know I am voicing the general opinion of every one interested in the industrial development of this country in saying that it is most unsatisfactory that the Government of India should have sat tight on this report for three years. I should add, Sir, that the Government took another three years before making a reference to the Tariff Board. In other words, Sir, the glass industry has had to wait more than six years after applying for protection to know its fate. And, Sir, may I ask what ultimately is the decision of the Government? Should it take over six years to say that no action is possible on the report of a Tariff Board appointed by themselves and to which they attached an expert from England?

It is no doubt true, Sir, that the Fiscal Commission laid down certain principles in regard to protection for industries in this country. One of those recommendations was that raw materials should be available in sufficient quantities in the country. In this connection, I would like to make a reference to what my Honourable friend Mr. Stewart said. Sir, he repeated this condition laid down by the Fiscal Commission and justified the rejection of the report of the Tariff Board on this ground.

But, Sir, may I ask whether the cogent reasoning of the Tariff Board on this point counts for nothing? Can the Government of India honestly and seriously say that other countries which have adopted a protective policy are so rigid in applying such principles? Sir, does Japan produce her own raw cotton? Instances can be multiplied to show that while the interests of the consumer undoubtedly receive attention, no Government would be so rigid as the Government of India have been in extending protection to a new industry.

Sir, I also want to protest against the scant respect shown by the Government of India for the recommendations of an expert body appointed by themselves. If one looks back, the conviction grows upon one that in recent years the recommendations of the Tariff Board have been receiving less and less serious attention at the hands of the Government. There is, I cannot help saying, Sir, a growing fear in the minds of industrialists in this country that the free trade convictions of the present Finance Member are being thrust upon the Government of India.

Lastly, Sir, I want to draw the attention of the Government to another unsatisfactory feature of their policy in regard to the glass industry. Certain recommendations of the Tariff Board for research in regard to glass have been turned down. The Tariff Board itself urged that such research is essential in order to minimise the burden on the consumer. I earnestly hope that the Government of India will revise their decision on the report of the Tariff Board and give much needed protection to an industry which is struggling hard against competition from abroad.

With these words, Sir, I strongly support the Resolution before the House.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, before I go on to make a few observations on the subject-matter of this Resolution, perhaps you will allow me to congratulate, on

behalf of our group, the Honourable Mr. Mitchell on the exalted position that he occupies today. Mr. Mitchell is an honoured Member of this House. He is a broad-minded Englishman and we are very glad that he has been elevated to this position.

Sir, my friend, the Honourable Mr. Hossain Imam, has very effectively dealt with the arguments of the Honourable Mr. Stewart and I have no desire to repeat what he has already said. But there is just one aspect to which I would like to draw the attention of the House. The industry has been asking for protection from 1926. I think the first time that a claim for protection was advanced by the industry was in 1926. It was not till the 26th October, 1931 that the Tariff Board was appointed. That Board went very carefully into the matter and reported on the 17th March, 1932. The report of the Board was not published until three years after. I forget the exact date on which the report was published but it is only after three years that it was published. Now, Sir, there has been, I submit, great delay in the publication of the Tariff Board's report. The Honourable Mr. Stewart has not explained to us the reason of this delay.

THE HONOURABLE MR. T. A. STEWART : Yes, Sir, I certainly did.

THE HONOURABLE MR. P. N. SAPRU : I did not then catch him. I stand corrected. Well, Sir, I think it is really a matter of comment that there should have been so much delay in dealing with the vital needs of an industry of this character.

With these words, Sir, I support the Resolution of my Honourable friend Mr. Mehrotra. So far as the merits are concerned, they have been dealt with already by the Honourable Mr. Hossain Imam and the Honourable Mr. Mehrotra.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, the points raised by the Honourable the Commerce Secretary have been dealt with by my Honourable friend Mr. Hossain Imam. I quite admit that the Executive Government has got the right to choose whether it will accept the report or not. But so far as I understood, it is only in matters financial, economic or political that the Executive Government may accept or reject the recommendations of the Tariff Board, and not on technical matters. This time, the Government has gone out of its way in not accepting the recommendations on a technical matter. That is what they say in their own Resolution about the supply of soda ash. Sir, the Tariff Board has dealt with this question very thoroughly in its report. It has said that soda ash is not at present obtainable in the country but that this disadvantage is balanced by the other natural advantages possessed by the industry. Dealing with this question very thoroughly, they have come to the conclusion that they are satisfied on the balance that the glass industry does possess such natural advantages as to justify its claim for protection. I therefore do not agree with the Honourable Mr. Stewart there.

We all know, as has just been pointed out by the Honourable Rai Bahadur Lala Jagdish Prasad, that Japan, Belgium and other countries are dumping these materials at very cheap rates. The result is, that whatever

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

factories exist in India, they will very soon have to be shut down. With reference to the one factory established in my own province, namely, the Bahjoi factory, I am aware that it hardly worked for six months during the last year, and they have not commenced work this year yet. They may work for three or four months. They have trained thousands of men. They cannot give them retention. You know that even the starting of a factory so far as the glass industry is concerned requires a lot of expenditure. After meeting all those expenses and working for three months, and then giving retention to their workmen, I hardly think that any factory can exist. They have already suffered a loss of about Rs. 3 lakhs on this account during the course of the last few years, and there is no other way open to them but to shut down.

For these reasons, Sir, I would request the Government to accept this Resolution, and I hope the House will agree to it.

THE HONOURABLE MR. T. A. STEWART: Sir, I want to say only two words. The first is to correct a misapprehension under which I think the Honourable Rai Bahadur Lala Jagdish Prasad is suffering with regard to the Japanese Treaty. It is perfectly true that that Treaty has provision which allows for the imposition of exchange compensatory duties, but only in respect of exchange variations after the 31st December, 1933. Since then, the Japanese exchange has varied only to the very slightest extent. I would now only say, Sir, that I repudiate the suggestion of the Honourable Mr. Hossain Imam that the Government of India have a different fiscal policy for the smaller industries than they have for the larger ones. I can give this House the assurance that should there be signs that what we regard as a vital objection to the grant of protection is capable of removal, the Government of India will be prepared immediately to reopen the question of protection to the glass industry.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to give effect to the recommendations of the Tariff Board in the matter of the glass industry".

The Question is:

"That that Resolution be adopted".

The Council divided:

AYES—16.

Askuran, The Honourable Mr. Shantidas.	Mitha, The Honourable Sir Suleman Cassim Haji.
Banerjee, The Honourable Mr. Jagadish Chandra.	Naidu, The Honourable Mr. Y. Ranganayakalu.
Buta Singh, The Honourable Sardar.	Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Gounder, The Honourable Mr. V. C. Vellingiri.	Sapru, The Honourable Mr. P. N.
Hafeez, The Honourable Khan Bahadur Syed Abdul.	Sethna, The Honourable Sir Phiroze.
Hossain Imam, The Honourable Mr. Jagdish Prasad, The Honourable Rai Bahadur Lala.	Sinha, The Honourable Kumar Nripendra Narayan.
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.	

NOES—22.

Brayskay, The Honourable Sir Maurice.	Maqbul Husain, The Honourable Khan Bahadur Shaikh.
Campbell, The Honourable Mr. G. R.	Menon, The Honourable Diwan Bahadur Sir Ramunni.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.	Mitchell, The Honourable Mr. D. G.
Commander-in-Chief, His Excellency the Devadoss, The Honourable Sir David.	Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Dow, The Honourable Mr. T. M.	Parker, The Honourable Mr. R. H.
Ghosal, The Honourable Mr. Jyotsnanath.	Ram Chandra, The Honourable Mr.
Glancy, The Honourable Sir Bertrand.	Sloan, The Honourable Mr. T.
Haidar, The Honourable Khan Bahadur Shams-ud-Din.	Spence, The Honourable Mr. G. H.
Johnson, The Honourable Mr. J. N. G.	Stewart, The Honourable Mr. T. A.
Macqueen, The Honourable Mr. P.	Tallents, The Honourable Mr. P. C.
	Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.

The Motion was negatived.

RESOLUTION RE FLOTATION OF STERLING LOANS.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, I rise to recommend to the House:

"That this Council recommends to the Governor General in Council to convey to the Secretary of State the disapproval of this House of the flotation of sterling loans and to request him to abstain from floating sterling loans in future".

THE HONOURABLE THE PRESIDENT: I am sorry to interrupt you at this stage. I had some difficulty in admitting this Resolution but as I was anxious not to shut you out from stating your views and as I wished to give you an opportunity of explaining matters further in face of the provisions of the Government of India Act of 1935, particularly as your Resolution asks the Governor General to advise the Secretary of State to abstain from floating sterling loans in future. I would draw your attention to some of the provisions of the Government of India Act. Part VII of the Act applies to general matters such as Finance, Property Contracts and Suits and section 161 of Part VII states:

"Upon the commencement of Part III of this Act all powers vested in the Secretary of State in Council of borrowing on the security of the revenues of India shall cease and determine, but nothing in this section affects the provisions of Part XIII of this Act with respect to borrowing in sterling by the Secretary of State".

Part XIII refers to the interregnum period between the commencement of Part III (provincial autonomy) and the establishment of the Federation. But in this Chapter II of Part VII in section 162, it is stated that:

"Subject to the provisions of Part XIII of this Act with respect to borrowing in sterling, the executive authority of the Federation extends to borrowing upon the security of the revenues of the Federation within such limits, if any, as may from time to time be fixed by Act of the Federal Legislature and to the giving of guarantees within such limits, if any, as may be so fixed".

[Mr. President.]

And Part XIII, clause 315 (1), says :

“ While this Part of this Act is in operation, no sterling loans shall be contracted by the Governor General in Council, but in lieu thereof, if provision is made in that behalf by an East India Loans Act of the Parliament of the United Kingdom, the Secretary of State may, within such limits as may be prescribed by the Act, contract such loans on behalf of the Governor General in Council ”.

And clause (2) of the same section states that :

“ The Secretary of State shall not exercise any such powers of borrowing as are mentioned in this section unless at a meeting of the Secretary of State and his advisers the borrowing has been approved by a majority of the persons present ”.

that is, sterling loans. Then powers have been given to the Legislature under clause 316 :

“ The powers conferred by the provisions of this Act for the time being in force on the Federal Legislature shall be exercisable by the Indian Legislature, and accordingly references in those provisions to the Federal Legislature and Federal laws shall be construed as references to the Indian Legislature and laws of the Indian Legislature, etc ”.

But there is an important proviso to this section :

“ Provided that nothing in this section shall empower the Indian Legislature to impose limits on the power of the Governor General in Council to borrow money ”.

In view of these provisions of the Act—of course the Act has not been put into operation immediately ; if it had been in operation I would not have admitted the Resolution—I hope you will be able to show in what way you could ask the Governor General in Council to abstain from borrowing in sterling in future. In my opinion your Resolution is impracticable and would prove infructuous.

THE HONOURABLE MR. HOSSAIN IMAM: Thank you, Sir, for stating the position under the provisions of the new Act.

Mr. President, the Resolution is not a new one. It is rather a repetition of what I had done before. I have been asking questions about sterling borrowings so many times and this has formed the subject-matter of my discussion so often that I am afraid the House may get sick of it. I may say that I myself hate to repeat it, but it is only the inaction of the Government, the persistent disregard of its pledged word, the almost blind following of the beaten path, that has forced me to bring forward this Resolution before the House and to the attention of the Government.

Before I commence to give the House the facts about these sterling loans of recent years, I should like to make a general statement in making which I have been helped by the then Finance Secretary, Sir Alan Parsons, who gave me a very long statement of sterling loans of the Government of India. It was, Sir, in August, 1934 that the statement was given showing that in the 15 years from 20th April, 1921, up to the present moment, 17 or 18 loans have been contracted in sterling. Six loans have been repaid in this period and all repaid by means of re-borrowing of sterling. The only single exception to this general rule was when after Britain went off the gold standard, the first loan which matured in January, 1932 was paid without contracting a fresh sterling loan. But that so much troubled the Secretary of State, that he went out of his way and contracted a fresh loan in 1933 while there was no necessity, while no loan was falling due, just to strengthen his sterling reserve and thereby

increase the amount of funded sterling loan that remained outstanding at the end of that year. I shall show by figures that ever since 1921 the amount of funded debt in sterling has increased and increased without rhyme or reason. When I say without rhyme or reason I mean if we were only confining ourselves to repayment the loan could have at least remained constant. Sir, when we were in those difficulties of the exchange which compelled us after all to go off the gold standard that was a difficult time and Government was forced to borrow money at high rates of interest in India as well as in England. They had to contract sterling holdings to finance their home commitments ; they had then, Sir, some excuse for contracting sterling loans. In that year, Sir, the year ending 31st March, 1931, we increased our sterling borrowings from £289 millions to £316 millions, an increase of £27 millions. After that I think—the Honourable the Finance Secretary will bear me out—the exchange position has been easy. We have been sending ample funds to the Secretary of State. There have been years in which we have sent almost at the rate of Rs. 5 crores per mensem. Even with that, our loan has continuously increased so much so that after coming down to £313 millions when we first repaid one of our over-due loans by means of treasury balances, it has again increased on the 31st March, 1935 to £323·57 millions.

Sir, when I was discussing the question of the national debt of India last year in this Chamber, I gave the history of the 20 years ending 1933 of our sterling borrowings. I need not repeat those arguments. I dealt fully with the facts and showed how harmful it was to the interests of India and how difficult it was for the Finance Department to finance all these home requirements due to sterling borrowings. I will not repeat those arguments. I am going to confine myself to a very short period of two and a half years and show thereby whether the Government has taken even the proper care which as a Government they were expected to take if they had really desired to alleviate the burden of India. Sir, on the 20th March, 1933, I moved a Resolution in this House asking the Government to reduce sterling commitments. The Government very kindly, very graciously, accepted that Resolution. We thought that the Government gave it out in the speech of their spokesman as if this was their established practice and they were doing nothing new. I am sorry, Sir, we were misled. I thought that they were in earnest to do so, but what they really thought was that it would remain in the waste-paper basket. Within seven weeks of that date, the 20th March, 1933, a loan was announced by the Secretary of State for India on the 4th or 5th of May, 1933 and the circumstances of that loan must be fresh in your minds. We had floated a loan in India of 3½ per cent. at a price of 96 on the 28th April and on the 9th May the Government floated a loan at 4 per cent. issued at 98. The result was that the Indian loans went down and there was a panic in the market. If you go deeper and see whether there was necessity for the loan you will be convinced that there was absolutely none. The year 1933-34 opened with a balance of Rs. 13·19 crores with the Secretary of State. In the months of April and May we remitted to him a sum of Rs. 10·8 crores from India, so that the total fund available to him at the end of May was Rs. 23½ crores and the amount of sterling loan which was due for repayment was only £2·6 millions or Rs. 3½ crores. To repay that with all these resources available the Government contracted a loan of £12 millions or Rs. 16 crores. As a matter of fact it was

[Mr. Hossain Imam,]

contracted merely to counteract the action of our Finance Member who had repaid a sterling loan from his own Rupee resources without contracting a sterling loan in 1932. Action of this sort would condemn any Government which had any name or respect for itself. As if that was not sufficient, they did even worse. Knowing as we do that the Government's word is never acted upon and realising that my Resolution was in general terms, I put a specific question in this House on the 16th September and asked whether the Government intended to repay the loan which was due on the 15th December, 1933.

The Finance Secretary in reply said that he hoped to pay from the Treasury balances. Remember, Sir, this was on 16th September, 1933. On the 9th November the Secretary of State gives the fiat that a fresh loan of £10 million sterling must be floated. And, Sir, we have to consider that there was no urgency. The loan was not one of those loans which fall due on a certain date, because the loan fell due in 1933-34. He could have paid it any time between 15th December, 1933 and 15th December, 1934.

THE HONOURABLE THE PRESIDENT: It was floated at $3\frac{1}{2}$ per cent. which was lower than the sterling loan. Was not that a sufficient justification for the Secretary of State to exercise his powers under the Government of India Act?

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, we were already in funds and I will show you, Sir, that he had ample funds, not only to repay this but, if he had wanted, to repay more loans. Here are the facts which I have obtained from the report of the Controller of the Currency. They go to show that the funds with the Secretary of State were ample to repay both the existing loans and to meet all his requirements without contracting a single loan. The first of these loans of £22 million contracted in 1933 was nothing but a feeler, because they wanted other loans and they wanted to find out how the market reacted. It was, if I remember aright, before the conversion of the enormous sum of £2,000 million from 5 per cent. to $3\frac{1}{2}$ per cent. for British Government. Mr. President, the report of the Controller of the Currency tells us that in the year 1933-34 the Government of India was able to remit to the Secretary of State the enormous sum of Rs. 59 crores in sterling. The result of this enormous supply of money from India to the coffers of the Secretary of State was that he had too much funds and he did not know what to do with them. So, Sir, we find that when the year came to an end, he distributed the balance to two or three funds. He transferred Rs. 15½ crores to the Gold Standard Reserve. He transferred Rs. 8½ crores to the Paper Currency Reserve. And he augmented his closing balance by Rs. 13½ crores. We are told that he was strengthening our reserves. Could it not wait? Were they supposed to start the Reserve Bank immediately at the end of March, 1934? It never started till April, 1935. You had a whole year to work in, to amass your money. But no. There is nobody to ask you any questions and the Government of India, I am sorry to say, Sir, is showing a policy of abject surrender to the Secretary of State. I am not giving out any secrets, Sir, when I say there were rumours in the lobby that even some of the Members of the Government of India felt that it was too high-handed of the Secretary of State

to override us in the matter of sterling borrowings. Now, Sir, all this happened a year and a half ago.

I come now to the story of the new loan which was floated by our present Finance Member. Sir, I would draw the attention of this House to the fact that when I said that the service given to us by the Bank of England was not as good as the others, the Honourable the Finance Member took me to task and declared that I was wrong. I shall show you, Sir, that I was right by quoting to you from the newspapers. Sir, this new loan has been contracted to repay a sterling loan which is about to mature on the 15th October, 1935. This loan again, Sir, is a long-term repayment loan. Therefore, Sir, on this occasion too there was no urgency. Besides that, Sir, as I said, the Government of India is a past master in hiding things. They did the same thing this time. You will remember, Sir, that in the Reserve Bank Act we stipulated that gold and foreign exchange holdings of the Issue Department must be at least 40 per cent. At the time that we transferred our assets to the Reserve Bank we thought that we would give them 50 per cent. We did that. The Reserve Bank was quite steady with only 50 per cent. of reserves. At the psychological moment when this loan was to be floated the foreign reserve of the Reserve Bank was increased. This was done, Sir, in the week before the announcement of the floating of this loan. The holding of the Reserve Bank on the 28th June was Rs. 58 crores. And in that first week of July a sum of Rs. 12 crores was added to the foreign reserve and reduced from the rupee security. That helped, Sir, simply to show that the Secretary of State had no reserves in his hand.

He cannot find any money except by borrowing to repay the sterling loan. The amount of sterling available to the Secretary of State to draw upon at the present moment is the enormous sum of Rs. 92 crores, consisting of Rs. 65.19 crores in the Issue Department of the Reserve Bank, Rs. 16.09 crores in the Banking Department of the Reserve Bank and Rs. 10 crores in the Silver Redemption Fund. All these monies are invested in sterling, and they are purposely invested in securities of other than the Government of India so that they may be liquid and be easily drawn upon. We have invested our money, Sir, borrowing at enormous rates of 4 and 5 per cent., at the paltry rate of $1\frac{1}{2}$ per cent. Most of the holdings of the Gold Standard Reserve was below 2 per cent. So were the holdings of the Paper Currency Reserve. We do not know what is happening now, because ever since it has been transferred to the Reserve Bank, it has become a sealed book and no account is published of the way in which it is held. I asked the Finance Secretary to tell us how he holds his Silver Redemption Fund? He did not find it possible to disclose even that secret.

THE HONOURABLE MR. P. C. TALLENTS: I gave that information in reply to a recent question in this House that it is held in sterling securities.

THE HONOURABLE MR. HOSSAIN IMAM: This was held in sterling securities? But in what way? What kinds? At what rates of interest? These are the things which would have shown whether it would have been possible to draw upon that Fund or whether it was profitable to take this loan of 3 per cent. I know it was acquired at a cheap rate. But what is the good of a cheap rate when we could have money without payment of interest? You cannot have anything cheaper than that.

[Mr. Hossain Imam.]

Now, Sir, with all this huge balance of Rs. 92 crores to draw upon, the Government could not find any money for repaying the sterling loan except by taking a further loan. I would have thought that this was a solitary instance and that Government would have improved in the future. But I cannot forget that during the period of 16 years since the introduction of the reforms, not a single sterling loan has been repaid by Government from rupee loans. Can anything go further than that to disregard the wishes of India? Why not say plainly that India is the exploiting ground for England and that you are going to put bigger and further burdens on us. We would then know that we have not human beings to deal with. But to say one thing and do another—nothing can be worse than that.

THE HONOURABLE THE PRESIDENT: You have only a few minutes more.

THE HONOURABLE MR. HOSSAIN IMAM: I will finish, Sir.

During the discussion of the General Budget this year and in my speech on the national debt of India, I suggested that Government does not take proper care when floating sterling loans to bring before the investing public things which other countries are in the habit of doing. Take, for instance, the functions and manipulations of the Sinking Fund. They give details stating how their balances stand, what the total debt is and all that sort of thing. Well, Sir, my criticism has strangely found support from the City editor of the *Times*, London. The City editor of the *Times* commenting on the recent flotation of the new Indian loan by the Government of India has remarked as follows:

“It is not often that a prospectus omits information highly favourable to an issue but this omission occurs in the case of the India loan”.

I do not think that even the Finance Member will dare to say that the City editor of the *Times* does not know his business. We are supposed not to know our business. It is only those birds of passage who come and go away that are supposed to know the business. The City editor of the *Times* is a person with an even greater reputation and he knows his business more than anybody else. In London itself, other loans were floated, not by the British Government, but by other authorities, and they were floated at a cheaper rate within 14 days from the flotation of the loan by the Government of India. I will just give one instance. I am referring to the United States of America. They floated a loan for \$500,000,000 at the unheard of rate of 1½ per cent.—

THE HONOURABLE THE PRESIDENT: America never repudiated her national debt.

THE HONOURABLE MR. HOSSAIN IMAM: They have decreased the real value of the loan by decreasing the gold content of the dollar. They have repudiated 40 per cent. of it. You will remember, Sir, the judgment of the Federal Court on the gold clause. Nothing could have gone further.

Then, Sir, on the 15th July, in London, the Bank of England announced that applications will be received by them on Wednesday, 17th July, for the £32,000,000 2½ per cent. guaranteed debenture stock, 1950-55, of the newly formed London Electric Transport Finance Corporation, Ltd. Our credit is not even as good as that of this Company and still we are told that we must borrow more in sterling.

THE HONOURABLE THE PRESIDENT: What about the flotation of the loan in India at 2½ per cent.?

THE HONOURABLE MR. HOSSAIN IMAM: Even when you floated a loan at a cheaper rate in April, 1933, we are forced to take a loan in England at a higher rate in May, 1933. On the 24th July, the lists in connection with the cash applications for the issue of the £13,469,984 Commonwealth of Australia 3 per cent. stock of 1939-41 at par opened at nine o'clock in the morning and closed five minutes later. We had to offer a 3 per cent. loan at 98, while Australia floats her loan at par. These are my submissions. I think it is better that we should know definitely that there will be no more sterling loans in the future.

With these words, Sir, I move.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): Sir, I feel it is impossible to lay down any hard and fast rules about floating of loans. In the interests of India the loans must be floated in the cheapest market. I am sure the Government of India if they find that the Indian money market is easy, they would never go outside India. The most important question however is that our foreign loans should be funded and arrangements should be made for final discharge without a fixed number of years.

Money is at present cheap. We borrowed at high rates of interest when money was scarce. I would strongly recommend that the Government of India should allow the provinces to raise loans and pay up their obligations, and the Government of India should do the same.

I would request the Honourable mover to withdraw his Resolution, in view of the explanation given by the Chair.

THE HONOURABLE MR. P. C. TALLENTS (Finance Secretary): Sir, you have yourself dealt with the constitutional position that will arise during the approaching transitional period, and that is a point therefore on which I do not want to say anything further: it is unnecessary for me to draw distinctions here between the Secretary of State and the Governor General under the new Act. I propose therefore to reply to the Honourable Mr. Hossain Imam's Resolution on general lines of policy. This matter is evidently one that is close to the Honourable Member's heart, for I find that only last year, almost exactly a year ago, he moved a Resolution in this Chamber which covered very much the same ground and on which he took the Government of India to task for their sterling borrowing policy. If there is a certain familiarity in the tang of the arguments used today in this Chamber, the House will, I am sure, forgive me.

Now, before I explain what is the Government of India's policy in this matter, there are one or two statements made by the Honourable Mr. Hossain Imam which I should like to challenge directly, and the first is this. He suggested, in fact he said in so many words, that the Secretary of State borrowed when there was no earthly necessity for him to borrow at all. He seems to think that the Secretary of State borrows for fun. I can assure him there is absolutely no truth in that statement whatsoever. Unless the money is required the Secretary of State does not borrow.

THE HONOURABLE MR. HOSSAIN IMAM: Can you substantiate this statement from your accounts of 1933?

THE HONOURABLE MR. P. C. TALLENTS: I can say this, that the Honourable Mr. Hossain Imam is not in a position now to get up in this Chamber and explain what were the requirements of the Secretary of State two or three years ago. I should also like to make another point before I proceed with my main argument and that is that, although the sterling debt of the Government of India has increased during the last few years, so also has the rupee debt; and a very large proportion of the debt, both sterling and rupee which has been incurred, has been incurred for productive purposes. The Honourable Mr. Hossain Imam also seems to ignore altogether the results of conversion. I am sure that the House realises perfectly well, in fact I will presently give them some figures which will explain the benefits derived from that process, and I will therefore not deal with that point further.

Well, Sir, I come to my main point. What is the policy of the Government of India in this matter? This policy has been stated by a series of Finance Members of the Government of India and reiterated. In introducing the budget of 1929-30 Sir George Schuster said that he entirely agreed with the policy of his predecessor, Sir Basil Blackett, to whom a very fine tribute was paid in this House only the other day. That policy was that Government finance should be based as far as possible on attracting rupee capital in India. He said that only so far as rupee capital could not be obtained from the investing public in India would he consider recourse to sterling borrowing. Only last year in this House the present Finance Member repeated that this was the policy of the Government of India. He said,—these were the words he used,—

“that it was the policy of the Government of India to repatriate sterling debt whenever it is possible to do so. But”, he added, “this could not be done by a mere wave of the hand”.

The Honourable Mr. Hossain Imam seems to think otherwise.

THE HONOURABLE MR. HOSSAIN IMAM: How can it be done?

THE HONOURABLE MR. P. C. TALLENTS: I was just coming to that point, Sir.

Now there are two principal considerations when the question arises of repatriating sterling debt. The first is, what rates of interest can be obtained in London and in India? Those in charge of the finances of the country can surely not be expected to pay off sterling debt by incurring rupee debt at a very much higher rate of interest. That is one of the principal considerations.

THE HONOURABLE RAI BHAJUR LALA RAM SARAN DAS: You say you can borrow there at a cheaper rate of interest, but Government has not been able to borrow cheaper in London.

THE HONOURABLE MR. P. C. TALLENTS: My point was simply this, that no one would borrow in India at a higher rate of interest to pay off a sterling debt at a lower rate of interest.

THE HONOURABLE MR. HOSSAIN IMAM: And what about the income-tax we lose?

THE HONOURABLE THE PRESIDENT: You should now allow the Honourable Member to have his say.

THE HONOURABLE MR. P. C. TALLENTS: The second point which has to be remembered is this, that exchange must be strong and the balance of trade must be strongly in favour of India. To this point I will return presently, but I should at this stage like to say something in parenthesis. It has been argued with force, and it was argued in 1929 by a non-official financier of reputation in the other House, that in India the supply of capital is limited and that it is better for India that such capital as there is should be invested in more profitable channels in commerce and industry, and that the Government securities with their lower yield should be taken up by persons outside India. I would also refer to the point made last year by the Honourable Finance Member who referred to the opinion of the foreign financial experts who were consulted by the Banking Inquiry Committee. Their opinion was that for years to come India would be well advised to use such foreign capital as it could attract. Even 20 years ago the House will remember that such a powerful country as the United States of America was only too glad to borrow from other countries.

THE HONOURABLE MR. HOSSAIN IMAM: As England did during the war years.

THE HONOURABLE MR. P. C. TALLENTS: I would commend to the Honourable Mr. Hossain Imam the view that the benefits of sterling borrowing are not entirely unilateral. There are plenty of other countries who are only too willing to borrow in London, if India is not. This parenthesis will perhaps show to the Honourable Member why the Government of India are not in such a cast-iron hurry as he himself appears to be to repatriate the sterling debt.

I should now like to give the House some facts which will explain the results of the policy of Government. Twenty years ago 63 per cent. of the Government of India's debt was in sterling. Ten years ago that figure had been reduced to 53 per cent. At present it is 51 per cent. I should not like to prophesy that this progress will be uninterrupted. A situation may easily arise in which the percentage may rise, but the figures I have given show that the Government of India have been following the policy which they have laid down as opportunity offered during the last 20 years.

I now come to the present year. The Honourable Mr. Hossain Imam was particularly critical of the sterling borrowing during the current year. May I just give a few facts? At the beginning of this year the sterling debt amounted to £384 millions. During this year, £12 millions of 6 per cent. stock have been paid off, and also £3½ millions of 4½ per cent. E. I. R. Debenture stock and £2 millions of railway annuities. That is to say, a total of £17½ millions sterling debt has been paid off. In place of that we issued a loan of £10 millions at 3 per cent. In other words, there has been a reduction during this year by £7½ millions sterling of the sterling debt and a large reduction of interest. As the greater part of the debt was at 6 per cent. the reduction of interest for that part of the debt is no less than 50 per cent.

This I consider—and I think that most other Honourable Members except the Honourable Mr. Hossain Imam will consider—a good achievement for one year.

THE HONOURABLE MR. HOSSAIN IMAM : May I know whether the £7½ millions referred to by you were not covered by the heading under Ways and Means, paragraph 52, item No. 2—£7·87 million ? This was the holding of the Secretary of State and not a repayment.

THE HONOURABLE MR. P. C. TALLENTS : I have not got the document to which the Honourable Member refers before me, and I ask him to allow me to continue my speech.

I now turn to the future. During the next 15 years the equivalent of something over Rs. 100 crores of sterling debt will mature—£17 million sterling at 5½ per cent. will mature in 1936 ; £10 million sterling at 5 per cent. will mature in 1942 ; £12 million sterling at 4 per cent. will mature in 1948 ; and £40 millions at 4½ per cent. will mature in 1950—a total of £79 million sterling. If the Honourable Mr. Hossain Imam's advice is followed, the Secretary of State will be completely debarred from converting any of that debt. Now, if the financial position of the Government of India is so strong and secure that they can afford to let that amount of debt run off, the Honourable Mr. Hossain Imam will find that the Secretary of State, or the Government of India as the case may be, will have no desire to raise fresh sterling debt to convert it. On the other hand, looking into the future, I see rocks ahead. Federation is to be started and so on and so forth. We have to meet many extra charges and I think it is highly improbable that the Government of India will be able to allow that amount of debt to run off. If the Honourable Mr. Hossain Imam's advice is followed, however favourable conditions in London may be, the Secretary of State will not be able to convert any sterling debt, whatever embarrassments the Government of India might be caused thereby.

I now wish to explain the point with regard to exchange which I referred to some time ago. The sterling commitments of the Government of India amount to approximately, we may say in round figures, £35 million sterling a year. For the purpose of remitting this sum it is necessary that there should be a balance of trade in favour of India to that extent. The Honourable Member's proposal would place a far heavier burden on the exchange and India would have to improve her trade to that much greater extent. Exchange presupposes that there are persons desirous of taking rupees in exchange for sterling. If the Honourable Mr. Hossain Imam persisted in his policy he would eventually create a situation in which the rupee exchange would become so weak that the Government of India would have to face a very heavy loss on exchange ; and, if he still persisted in his policy, the point would ultimately be reached at which exchange would become altogether impossible. At that point the Honourable Mr. Hossain Imam would have two resources open to him. One would be to cause the Reserve Bank, which now holds our gold reserve, to part with that reserve. This would be followed by drastic contraction of the currency. Or in the alternative the Honourable Mr. Hossain Imam would ultimately be compelled to borrow in sterling. It is perhaps a coincidence that, of two Resolutions which the Honourable Member is moving during this session, one recommends that the Government of India should accumulate a reserve of gold and the other is that it should be debarred from borrowing in sterling. Therefore the Honourable Mr. Hossain Imam would ultimately land himself in a position which he himself condemns.

I have, Sir, attempted to explain what is the policy of the Government of India in this matter and I have also referred to the principal factors which have to be considered on each occasion when sterling debt is raised. The House in general, and the Honourable Mr. Hossain Imam in particular, may rest assured that Government will not depart from that policy and that, if a favourable opportunity occurs of repatriating sterling debt, they will certainly do so. I trust that, in the face of this assurance, the Honourable Mr. Hossain Imam will do what the Honourable Sardar Sahib suggested he might do, namely, withdraw his Resolution. In principle I can see no difference between his policy and that of Government. It is only a question of what is and what is not practicable. If and when the Honourable Mr. Hossain Imam becomes Federal Finance Minister, he will look at the road ahead from a different angle of vision and he will see lions, both large and formidable, in the shape of practical difficulties on that road. These lions will not be prepared to remove themselves in response to a wave of the Honourable Mr. Hossain Imam's hand. If, Sir, I have not been able to persuade the Honourable Mr. Hossain Imam I hope at least that I have been able to persuade the House that the policy which the Honourable mover wishes to press upon the Secretary of State is one which is altogether impracticable (Applause.)

THE HONOURABLE RAI BARADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadian) : Sir, I rise to support the Resolution which has been so ably moved by my friend the Honourable Mr. Hossain Imam. I cannot understand why when the bank rate is 2 per cent. in England the Government of India has borrowed the money there at 3 per cent. I have always been under the impression—and it is only businesslike and proper—that the Government of India whenever they want to borrow money abroad must go to the cheapest money market. My Honourable friend has referred to the loan of the United States Treasury at 1½ per cent. Well, in case America with its present financial position can manage to borrow money at 1½ per cent., I cannot understand why efforts should not be made by the Government to borrow money in America at about 1½ per cent. or a little bit more. Sir, even a reference has been made to the loan which the London Electric Transport Finance Corporation has, under the guarantee, floated at 2½ per cent. I do not know whether that loan was fully subscribed or not, but I assume that that loan has been raised at that low rate of interest. When the Government find that the money which they want to borrow cannot be raised in India they ought to go to the cheapest money market in the world. Sir, the bank rate in India is always higher than the bank rate in England. Even now that is the case. The actual bank rate in England is 2 per cent., the bank rate in India is 3½ per cent. Therefore I cannot understand why the Government of India have borrowed money in London at the same rate that they have borrowed in India. I support the Resolution and I hope that the Honourable Mr. Tallents will enlighten me on this subject.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. President, my task has been made very much easier by the non-committal attitude which the Honourable the Finance Secretary has adopted. Instead of saying, like the former Finance Secretary that it was the settled policy of the Government to repay their sterling commitments, he has come out with the bold proposition that sterling loans are to the advantage of India.

[Mr. Hossain Imam.]

This is a new innovation. Now everything which is disadvantageous to India is being shouted from the housetops of the Government as advantageous. As if the whole of the Committee's report which sat in London to examine the national debt position of England was wrong. As if they did not know their business. Were they wrong in holding that foreign loans is disadvantageous? A new proposition has been enunciated in this House that foreign debts in the shape of sterling are to the advantage of India.

Then, Sir, the Honourable the Finance Secretary announced another smaller factor that, if we pay our sterling loans, we will be straining our exchange position. I had all along thought, Sir, that, if we repay our foreign debts, the services will be reduced, the demand year after year on the resources of the Government of India to pay interest in sterling will be reduced. But, Sir, we have now learned that repayment is more costly, is more difficult, and a further burden on the slender resources of India.

Sir, he then announced that by means of my two Resolutions I would be so much reducing the favourable balance of trade of India that there would be nothing left and we would be forced to take loans in sterling for our ordinary requirements. May I remind him that there is such a term in our account which is called the balance of account in which after adding and subtracting all the items of export, import, transfers and everything else, we get the final result. How has the balance of account during the last 30 years progressed? May I give you the figures? For the ten years ending 1914, the balance of account was Rs. 5.4 crores. For the eleven years ending 1929, it was Rs. 19.11 crores, and for the five years ending 1934 we find that it has gone up to Rs. 33.92 crores, an increase of 550 per cent. within a period of 25 years. This is the balance of account on which he has to draw, and if he goes abegging he has no one to blame but himself.

I am very much obliged, Sir, to the Finance Secretary for having clarified the position. We know now that there is no intention of repaying this sterling debt. It is going to be perpetuated and made a permanent burden on the shoulders of India to safeguard these interests. Once you come and say you will not take back your money and then you say you will not give us a free hand. Is not this a vicious circle? To go further, Sir, is it honest policy? You make it into a merry-go-round. Where do we end—where do we begin?

Sir, then the Honourable the Finance Secretary said that my Resolution will debar the Secretary of State from borrowing in the London market however favourable. I object to that, Sir. Take into account the Income-tax department as well. Has he considered that? I challenge him, Sir, to produce a single loan floated during the last 16 years in which after taking account of income-tax he has got money cheaper in England than in India. He will find that it was always dearer. Even in the case of the present loan, which has been floated by the magician of the Finance Department, today it is being quoted at exactly the same rate as the Indian 3 per cent. loan. So much for the belief that it is cheaper to borrow in England. It is neither cheaper nor easier to borrow in England but it is the only means by which the slavery of India can be perpetuated.

Now, Sir, I have a complaint to make. The Honourable the Finance Secretary told us that he did not find the money cheaper in India. You know, Sir, that in the Bank of England the bank rate is much cheaper than the long term borrowing rate of England. Have the Government of India brought down the bank rate of the Reserve Bank to below or even to the level of the rate at which accommodation is available to the Government of India in the long term market. I have never heard of any country in which there is so much money that you can find money being lent to Government for long terms at a rate below the bank rate except in countries where bank rates are increased temporarily as a measure of exchange manipulation. That, Sir, is one of the reasons why you have not a further cheaper rate in India. My Honourable friend the Finance Secretary was very generous to the industries and commerce and said that he did not want whatever surplus there was available—he would rather have them invested in commercial concerns and not tie them up in Government securities. Perhaps, Sir, he has not fully considered the report which was issued by the Government of India on the Indian Companies Works. Otherwise he would have found that the capital which is being invested in industry here is not greater than the companies which are being wound up. At the present moment commerce is at a standstill. There is no investment. If there was sufficient investment, secure means of investment, no one would have invested his money in the 3 per cent. loan of the Government of India. Even the non-redeemable 3½ per cent. loans are being quoted at 89½ per cent. and had gone up to 95 which had not been the case for the last quarter of a century. With so much sterling available that you can have any amount you like, he was able to send the enormous sum of £39 millions last year which comes to Rs. 52 crores, and as he himself has said, the disbursements of the Secretary of State usually come to about £30 million a year, that is, above Rs. 40 crores. The requirements of the Secretary of State is Rs. 36 crores for current needs. He had a balance of Rs. 16 crores. The Government never exploits the exchange market because they have always been insisting on their ½d. on every rupee they send. Although the rate is 1s. 6d. because of the fact they always have insisted on having the rupee standing firm at a premium, they have put this ½d. on. These are the facts. The Honourable the Finance Secretary has indulged in arguments on general lines, which are, if I may say so, divorced from facts. The Honourable the Finance Secretary has quoted statistics to show that the percentage of the English loan to the Indian loan has fallen, but I asked him to quote to me the quantum of the loan. I want him to tell me whether the quantum of the sterling loan has doubled itself in the last 20 years or not. I think he will find that it has doubled itself. I would not have pressed this Resolution on the House. I always dislike the idea of restricting the freedom of a department like the Finance Department to any definite line of action. But when their pledged words are disowned, when the replies given to us in this House are flouted, there is no option left to us but to be as unreasonable as the Secretary of State. I know it is unusual. But they have got this rule that our Resolutions are not binding on them. Even if they accept a Resolution, they always try to take steps in contravention of it without coming to the Legislature again. The present Government of India Act allows them to be irresponsible. He would have shown better regard for the feelings and sentiments of Indians if he had accepted this Resolution which would have meant only the repayment of the next maturing loan of 1936 by rupee borrowings.

[Mr. Hossain Imam.]

If I could have the assurance that the loan maturing in 1936 will be repaid by rupee and not by sterling loan, I will withdraw my Resolution.

THE HONOURABLE THE PRESIDENT: Do you think he can do this at this stage?

THE HONOURABLE MR. HOSSAIN IMAM: The Honourable the Finance Secretary, in his Explanatory Memorandum on the General Budget for 1935-36, has said in paragraph 57:

"No sterling loan was issued in the year 1934-35 and the estimate for next year also assumes that no such loan will be issued. The programme, however, is only illustrative".

This was the promise of the Honourable the Finance Secretary in the Explanatory Memorandum.

Sir, I press my Resolution.

THE HONOURABLE MR. P. C. TALLENTS: Sir, the Honourable the Leader of the Opposition asked a perfectly reasonable question. I understand the question was:

"If you can borrow at 3 per cent. in sterling, and at 3 per cent. in India: why borrow in sterling at all?"

The answer to that question, of course, is that the Government of India have to make payments in sterling and want sterling for that purpose.

The Honourable Mr. Hossain Imam's speeches always contain such a wealth of miscellaneous information that I sometimes find it difficult to follow his argument. He entirely misrepresented what I said when he said the policy of the Government of India as explained by me was to perpetuate the slavery of this country.

THE HONOURABLE MR. HOSSAIN IMAM: Not in so many words, Sir.

THE HONOURABLE MR. P. C. TALLENTS: I can assure the House that nothing was further from my intention than to convey that meaning to the House. As regards the undertaking which he asks me to give about loans which mature in 1936, of course I can give no such undertaking. It is impossible for any one to give any such undertaking at this stage. Finally, I should like to refer to the criticism of the *Times* city correspondent to which he referred. The Honourable Mr. Hossain Imam quoted that remark as if it were a criticism of the Government. Actually it was a compliment. I also read that remark and I must say it caused me great satisfaction. The implication was that the credit of India was now so good that India had no need to put all her goods in the shop window like other lesser countries.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to convey to the Secretary of State the disapproval of this House of the flotation of sterling loans and to request him to abstain from floating sterling loans in future".

The Question is:

"That this Resolution be adopted".

The Motion was negatived.

RESOLUTION RE PROPOSED RESERVATION OF THE HIGHLANDS IN KENYA FOR EUROPEANS.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I rise to move the following Resolution:

"This Council recommends to the Governor General in Council to communicate to His Majesty's Government the deep dissatisfaction of the people of this country with the recommendation of the Carter Commission that the highlands should be reserved by Order in Council for the European settlers in Kenya".

Sir, the question of Indians overseas is one on which there is happily no difference between the people of India and the Government of India. My Resolution therefore is not directed against the Government of India. I appreciate what they have done in regard to Indians abroad and would not like to increase their difficulties. Rather I wish by this Resolution to strengthen their hands in their fight for certain elementary rights for our countrymen in Kenya. I hope therefore that the Government will not misunderstand my object in moving this Resolution.

Now, Sir, the position of Indians in Colonies administered directly by the Crown is very unsatisfactory. Kenya is a directly administered territory. It is under the Colonial Office and the Kenya issue is really a test issue. Is there going to be racial equality in the British Commonwealth of Nations or not? That is the real Kenya issue and I say therefore it is a test issue. The British Commonwealth cannot afford to follow a racial policy in directly administered territories. Sir, the House will permit me to go a little into the history of this question. Indians have been established in East Africa even before the British advent. With the opening up of Uganda and with the development of British administration in the Colony during the last 33 years Indian traders have been going into the interior. After the construction of the Uganda railway many Indian artisans and labourers engaged on the building of the railway remained in the Colony and engaged in commerce. In their wake followed artisans, clerks and small traders. The point, therefore, that I wish to make is that Indians have helped to build up modern Kenya. Now, Sir, the question of ownership of land in the highlands is one of those questions which has brought Indian settlers and European settlers into conflict. The highlands amount to more than one-tenth of the total area of the Colony—the Honourable Mr. Ram Chandra will correct me if I am wrong. There were few European settlers till 1897, but after 1902 the numbers of Europeans in the highlands increased as a result of a deliberate policy. The history of the question is this. In 1905 a Land Commission reported in favour of the maintenance of a European reserve and accepted Kin to Fort Terian as a suitable definition, "without wishing to bind themselves too closely to that area or restrict its limits". In 1906 Lord Elgin, who was then the Colonial Secretary in the Liberal administration of 1906, expressed his approval of the practice then in force of limiting land-holding by Indians to the closed areas east of Kin and west of Fort Terian. In 1908 Lord Elgin went a little further and he decided to reserve for the purposes of administrative convenience as a matter of administrative arrangement lands in the highlands for Europeans. No legal restriction was however imposed. The decision as understood in 1908 was confined to the initial grant of land. That was the interpretation that the Government of India put upon that decision, that it did not preclude

[Mr. P. N. Saprú.]

transfer of land from European to Indians; it referred to original allotments only. Now, Sir, we come to 1915. In 1915 we have an Act which gave power to the Governor General to veto all sales of land and transfer to Asiatics in the highlands. The Government of India protested against this Act of 1915. Under the original arrangement of 1908 all the lands belonged to the Europeans and original allotments were to be made to Europeans only. There was no question of any restriction of a transfer by an European to an Indian under the original arrangement of 1908. If land was transferred by an European to an Indian, then it was transferred without any restrictive covenant. Now the Government protested against this Act of 1915 and in 1920 they addressed a despatch to the Secretary of State. In 1923 we had the memorable White Paper—I shall call it the notorious White Paper—which evoked a strong protest from my revered leader the Honourable Mr. Srinivasa Sastri. Sir, the White Paper, in spite of the protests of the Government of India, went wholly against us. At page 17 the White Paper, after reviewing the history of this question and taking into consideration the facts that during the last 15 years European British subjects have been encouraged to develop the highlands and during that period settlers have taken up lands in the highlands, said that His Majesty's Government have decided that the existing practice must be maintained as regards both initial grants and transfers. Well, Sir, that was the position in 1923. But in this White Paper no reference was made to boundaries. It was clear that the decision contemplated the land lying between Kin and Fort Terian. That was I think the basis of the decision. But the European settlers wanted His Majesty's Government to go a little further. They had been pressing His Majesty's Government to this end, and of course they have their supporters in His Majesty's Government, and as a result of their activities the Land Commission was appointed in 1932. I may mention that so far as the Government of India is concerned it accepted the White Paper decision only under protest and reserved to itself the right of reopening the question. Well, Sir, in 1932 a Commission was appointed. Their sixth term of reference related to the highlands. I will read that term of reference :

“To define the area generally known as the highlands within which persons of European descent are to have a privileged position in accordance with the White Paper of 1923”.

Sir, this Commission reported in September, 1933 and the Command Paper, which practically accepts the recommendations of this Commission, was issued in May, 1934. Now, I have read out the terms of reference of the Commission. It will be seen that the Commission went beyond its terms of reference and it suggested that land should be reserved statutorily by Order in Council. The effect of an Order in Council would be practically the same as that of a statute. It went further and whereas the area reserved for Europeans in the highlands was about 11,000 square miles before it suggested that the area should be a little over 16,000—I do not exactly remember the exact figure, but I think it is about 16,500 square miles. Therefore it suggested extension of the area originally contemplated by Lord Elgin. The White Paper suggests that this area should be reserved by an Order in Council; and not only this, they go further and as was pointed out by the Honourable Sir Girja Shankar Bajpai in the other place, they

further recommend that restrictions on land should apply to land transferred by an Indian to an European; that is to say, if an Indian who acquires his land through transfer from an European transfers it to an European then the European to whom the land is transferred should not be able subsequently to transfer it to an Indian. That is the arrangement; that is the recommendation that they have made. Now, Sir, the position is that for the first time there is to be statutory discrimination against Indians as Indians; there is to be for the first time a racial discrimination against Indians in a Colony administered by the Colonial Office. The Colonial Office cannot say that they cannot interfere with Kenyan affairs; they are directly responsible for the administration of Kenya. Kenya is not a Dominion; it is under the administration of the British Crown and therefore, Sir, the issue raised is of fundamental importance to us Indians. We Indians, Sir, have got a great feeling in this matter. It is a matter of honour with us. It is one of those issues which affects our allegiance to the British Crown; it is one of those issues which affects our *izzat*. As a very distinguished Leader said, we want a place in His Majesty's household, we do not want a place in His Majesty's stables. Therefore, Sir, I would say that strong representation should be made by the Government of India in regard to this matter to His Majesty's Government. The highlands represent the best lands in Kenya and why should our countrymen, who have helped to build up this Kenya, why should they be deprived of the opportunity of acquiring land in Kenya? Why should further restrictions be placed upon them? Kenya one day or other will become a responsibly governed State and if it becomes a responsibly governed State, probably this highland area will be the centre of this responsible Government. It is therefore a matter of some importance for our countrymen there. I do not think that by reserving these highlands for European settlers His Majesty's Government will be helping the natives of Kenya, natives for whom His Majesty's Government profess so much solicitude. They will be merely depriving our countrymen of a most elementary right and they will be establishing a principle which may well destroy the very foundations of this Commonwealth. Sir, we should like the Government of India, if I may make this suggestion, to publish their despatches to His Majesty's Government and the correspondence, if any, which they have had in regard to this question with His Majesty's Government. With these words, I commend this Resolution to the unanimous acceptance of the House. Before I close, may I make an appeal to the European non-official Members of this House? Sir, the European non-official Members have always taken a very keen interest in the welfare of Indians abroad. The services of Sir Darcy Lindsay are too well known to be mentioned here. I hope, Sir, that they will show their sympathy with the principle of racial equality by supporting my Resolution.

THE HONOURABLE MR. RAM CHANDRA (Government of India: Nominated Official): Sir, the other day when I was speaking on the Resolution about arrangements in the Secretariat for dealing with problems relating to Indians overseas, I said that the safeguarding of the interests of Indians who have left their homes and who have settled in other parts of the British Empire was a matter on which there was identity of outlook between the Government of India and the fair-minded section of the Indian public. I am glad, Sir, to have this opportunity of substantiating that remark by reference to a particular

[Mr. Ram Chandra.]

instance. The history of the question of restricting the grant of land to Europeans only in the highlands of Kenya goes back to more than a quarter of a century. The history has been given in brief outline by the Honourable mover and I do not think I should weary the House by repeating it; but there are just one or two points on which I would like to lay special emphasis. It was in 1906 and again in 1908 that Lord Elgin who was then Secretary of State for the Colonies decided to continue the past practice of reserving these areas in the highlands for Europeans, but he made it clear that this was being done only as a matter of administrative convenience and that it was not the policy of His Majesty's Government to impose any legal restrictions upon any section of His Majesty's subjects in the matter of holding land in the British Protectorates. Fifteen years later, Sir, the White Paper of 1923 was issued. This White Paper may be said to be the foundation of the policy in regard to Indians in Kenya. The White Paper re-affirmed the former decision that the practice in regard to the initial grants of Government land in the highlands and in regard to transfers between persons of different races must be maintained. Indian public opinion which is extremely sensitive in regard to racial discrimination was greatly agitated over this decision. The decision was not in conformity with the declaration that had been made in 1920, that is to say, three years before the publication of the White Paper, by the then Secretary of State for the Colonies, Lord Milner. He, speaking in the House of Lords on the 14th July, 1920, said :

"In East Africa, as in other countries under the administration of the Colonial Office, it has been the avowed principle and it is the definite intention of the British authorities to mete out even-handed justice between the different races inhabiting these territories".

The Government of India were also greatly disappointed over the decision and they gave public expression to their disappointment in the Resolution which they issued shortly after the publication of the White Paper. The Resolution was issued on the 18th August, 1923 and in this Resolution the Government of India said :

"In particular they take note that the exclusion of Indians from the highlands has not been embodied in legislation. At the same time they cannot but record their deep regret that His Majesty's Government did not feel justified in giving greater effect to the recommendations made by them and the Secretary of State for India. They are conscious, however, that they are under obligation to accept the decision of His Majesty's Government and that His Majesty's Government cannot now be asked to reconsider and revise the decision which was reached after protracted deliberation. Nevertheless, they must reserve to themselves the liberty of making such representations as may be necessary whenever in future a legitimate opportunity should present itself, either as a result of the experience gained, or by change of events, or otherwise".

This statement made by the Government of India in a public Resolution showed that they accepted the decision contained in the White Paper under protest. Twelve years have now elapsed since that Paper was issued and I need hardly assure the House that the position taken up by the Government of India then still remains unchanged and unaltered. They adhere to the view that there should be no discrimination against Indians in East Africa.

I now come, Sir, to the recommendations made by the Carter Commission. As pointed out by the Honourable mover, one of the terms of reference

of this Commission was, if I may be permitted to read it again :

"To define the area generally known as the highlands, within which persons of European descent are to have a privileged position in accordance with the White Paper of 1923".

The words "privileged position" which occur in this term of reference were not defined but the Secretary of State in replying to a question in the House of Commons early this year said that he had informed the President of the Commission that the words "privileged position" implied that no person other than an European shall be entitled to acquire by grant or transfer agricultural land in an area now to be defined or to occupy land thereon. Now, Sir, it is abundantly clear that, if such a provision were incorporated in an Order in Council, the existing position of Indians in Kenya will change and will change for the worse. The restrictions which were originally considered necessary on grounds of administrative convenience will have been imposed by statute. Coming again to the White Paper of 1923, which made it clear that it was only the principle of past practice which was being maintained and that it was not sought to impose any legal restriction,—the White Paper in referring to the provisions of the Crown Lands Ordinance of 1915, to which objection had been taken by Indians, said :

"It cannot be claimed that they amount to legal discrimination against Indians, for it would be possible for the Executive Government to grant land in the highlands to an Asiatic, or to approve of the transfer of land from an European to an Asiatic, without any alteration in the existing law".

With the proposed provision in the Order in Council, this possibility of the Executive Government granting land in the highlands to Asiatics will have entirely disappeared.

I now come, Sir, to another point which is a point to which objection may rightly be taken in the Carter Commission's recommendations. It is proposed now to reserve for Europeans a larger area than has already been alienated to Europeans or is available for alienation. The increase amounts to about 5,000 square miles.

A third point, Sir, which arises out of the Commission's recommendations is that there will be a further restriction placed on the transfer of land to Indians. Before 1906 land had been allotted to Indians in certain farms which are included in these highlands. If the Commission's recommendations are accepted, the transfer of any area in those plots by an Indian to an European will operate in such a way as to prevent its re-transfer to an Indian ever again.

These are the three points, Sir, which the Government of India have been considering. They have engaged their earnest attention. They were under their consideration when there was a full dress debate in another place in March last. Since then, they have made their representations through the Secretary of State for India and the intensity of the feeling in this country on the subject has been brought to the notice of His Majesty's Government. In point of time, therefore, Sir, my Honourable friend Mr. Sapru's Resolution is belated as the representations have been made by the Government of India and the deep dissatisfaction which he wants the Governor General in Council

[Mr. Ram Chandra.]

to communicate to His Majesty's Government has already been communicated. In this dissatisfaction I can assure the Honourable mover that he has the support of Government. As regards his request for publication of the correspondence that has passed between the Government of India and the Secretary of State, I am afraid, Sir, the subject is still one of negotiation and the Government of India cannot consider the question of publication until the negotiations have been completed.

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

STATEMENT OF BUSINESS.

THE HONOURABLE MR. D. G. MITCHELL (Leader of the House): Sir, I take the opportunity of supplementing the statement made by the Honourable Sir Jagdish Prasad on Wednesday by informing Honourable Members that my Resolution recommending ratification of the Draft Convention concerning employment of women at night and the two small Bills which were laid on the table this morning will be put down for Wednesday next after the Criminal Law Amendment Bill, the debate on which will, as Honourable Members are aware, be continued on Wednesday, if it is not concluded on Monday.

The Council then adjourned till Eleven of the Clock on Saturday, the 21st September, 1935.

COUNCIL OF STATE.

Saturday, 21st September, 1935.

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

STATEMENT LAID ON THE TABLE.

INDIAN MILITARY PENSIONERS.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I lay on the table, Sir, the information promised in reply to parts (b) and (c) of question No. 122 asked by the Honourable Mr. S. C. Ghosh Maulik on the 16th April, 1935.

Statement giving the information promised in reply to parts (b) and (c) of question No. 122, asked on the 16th April, 1935.

(b) The figures for the years 1932, 1933 and 1934 are given below:—

Year.	Indian soldiers including Viceroy's and Honorary King's commissioned officers.	Non-combatants and followers.	Total.
1932	12,229	173	12,402
1933	10,852	128	10,980
1934	6,849	100	6,949
Total	29,930	401	30,331
(c)			
1935	1,82,192	5,687	1,87,879

MOTION FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Member): Sir, I move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Council by Mr. Muhammad Yamin Khan."

The Motion was adopted.

MOTION FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE MR. RAM CHANDRA (Government of India ; Nominated Official) : Sir, I beg to move :

"That the Members of this Council do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their members to be a member of the Central Advisory Board of Education constituted by the Government of India."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : With reference to the two Motions which have just been adopted by the Council, I have to announce that nominations for these two Committees will be received by the Secretary up to eleven o'clock on Tuesday, the 24th September, 1935, and the dates for the elections, if necessary, will be announced later.

INDIAN ARMY (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I 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."

A very few sentences will suffice, I think, to explain to the House anything they need know about this Bill.

Clauses 2(a) and 2(b) require no explanation. Clause 3 of the Bill makes good an accidental omission in last year's amending Act, which laid down the punishments that could be awarded to warrant officers by district court-martial. Warrant officers, as Honourable Members are aware, are a new class, being introduced for the first time in the Indian Army owing to Indianization, and it has always been the intention that a district court-martial should be entitled to award the same punishments to warrant officers of the Indian Army as is the case under the British Army Act for British warrant officers. This clause makes provision for that.

Clause 4 of the Bill, the only other clause which requires any explanation, adds two sub-sections to section 103 of the Indian Army Act, and concerns the disposal of lunatics. A case actually occurred where a rifleman of the Burma Rifles went off his head and committed theft. He was tried by court-martial, found insane, and transferred to a mental hospital. After he had been there for some time, it was reported that he had recovered, but it was discovered that there was no legal power under which we could release him. He was released, although it was not strictly legal to do so ; and in order to avoid such an anomaly in future, we have brought this amendment forward to cover any possibility of that kind in future.

Sir, I move.

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

(224)

INDIAN ARMY (AMENDMENT) BILL.

225

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.

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

"That the Bill to supplement the Central Provinces Courts Act, 1917, as passed by the Legislative Assembly, be taken into consideration."

The Court of the Judicial Commissioner of the Central Provinces, which is now the High Court for the Central Provinces, is shortly to be replaced by a High Court of Judicature established by Letters Patent under the Government of India Act. All that this Bill does is to bring the provisions set out in the Schedule into line with this position.

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.

THE HONOURABLE MR. G. H. SPENCE : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

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

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

Honourable Members, Sir, have doubtless read the Statement of Objects and Reasons. All that I have to add thereto is that the immediate occasion for the initiation of this small piece of legislation was a judgment of the Madras High Court in which Ramesam J. observed that, on account of what he described as the somewhat unhappy and therefore obscure language of the proviso, there was some doubt as to the exact procedure to be followed by a petitioner, and he added an expression of opinion that the difficulty ought to be cleared up by the Legislature. This was by no means the first occasion on which the Courts have found difficulty in giving effect to the existing wording of the proviso and Government agree that the proviso ought to be clarified. Hence this Bill.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. G. H. SPENCE : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

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

"That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

This, Sir, is another Bill of which the immediate inspiration is to be found in a pronouncement of the Madras High Court. In a recent case the learned Chief Justice had to decide whether a creditor who had taken no part in the insolvency proceedings and therefore was not entered in the schedule referred to in the section which this Bill seeks to amend was bound by a composition effected and approved in the course of the insolvency proceedings. On a consideration of the explicit language used in the existing section the learned Chief Justice was constrained to answer that question in the negative, this answer being in conformity with the prevalent though not entirely unanimous course of earlier judicial opinion. He however proceeded to observe that in his view there was no good ground for the difference between the effect in the relevant respect of section 39 of the Provincial Insolvency Act and section 30 of the Presidency Towns Insolvency Act. He expressed the opinion that it was the last-named section which more correctly carried out the policy of the Insolvency Acts. Government entirely agree with this opinion and the object of this Bill is to bring the effect of section 39 of the Provincial Insolvency Act into line with the effect of section 30 of the Presidency Towns Insolvency Act. If any Honourable Member is curious as to the reasons which led the Legislature of 1920 to enact section 39 in a form out of keeping, as has been suggested, with the general policy in the Act, he will I think find the explanation in the conjecture thrown out by the late Sir Dinshaw Mulla on page 254 of his work on the Law of Insolvency. The learned author says :

"Under the Provincial Insolvency Act, 1907"—that was the earlier Act repealed by the Act of 1920—"an order of discharge released the insolvent from 'all debts entered in the schedule', and it was therefore appropriate that in the case of a composition also the debts to be barred should be the debts entered in the schedule prepared by the Court under section 27 (7) of that Act. Under the Act of 1920 an order of discharge releases the insolvent from 'all debts provable under the Act'. It looks as if the Legislature while enlarging the operation of an order of discharge under the Act of 1920 lost sight of the provisions of section 39 of that Act. I think it is desirable to consider whether section 39 of the Provincial Insolvency Act should not be amended....."

And he then proceeds to set out a formula of amendment substantially identical with that embodied in the Bill.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. G. H. SPENCE : 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 Monday, the 23rd September, 1935.

COUNCIL OF STATE.

Monday, 23rd September, 1935.

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.

AMOUNT SANCTIONED FOR EACH PROVINCE FOR RURAL UPLIFT.

108. THE HONOURABLE MR. HOSSAIN IMAM: Will Government kindly lay on the table the following information:

(a) The amount sanctioned for each province out of the crore set aside for rural improvement?

(b) The basis of distribution to the provinces?

(c) The schemes submitted by each province?

(d) Whether the schemes were accepted by the Government of India or any modifications were made? If so, what modifications?

(e) Whether the disbursement by the Provincial Government will be subject to detailed voting or lump sum grants? and

(f) Whether a detailed report of the expenditure will be published by the Government of India next year?

THE HONOURABLE MR. P. C. TALLENTS: (a) to (d). The Honourable Member is referred to the statement laid on the table of the House in reply to the Honourable Mr. V. V. Kalikar's question No. 42. The original proposals of the Local Governments have in some cases been modified in correspondence with the Government of India.

(e) The expenditure on the schemes will not be submitted to the vote of the Local Councils.

(f) A further report as to the actual progress of the schemes will be laid before the House in due course.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: What is the provincial quota, province by province?

THE HONOURABLE MR. P. C. TALLENTS: Sir, that information is contained in the statement laid on the table in reply to the Honourable Mr. V. V. Kalikar's question, to which I have referred.

THE HONOURABLE MR. HOSSAIN IMAM: May I know if this has been subjected to detailed voting of the Imperial Council?

THE HONOURABLE MR. P. C. TALLENTS: No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: Is it a non-votable grant?

THE HONOURABLE MR. P. C. TALLENTS: The vote was granted as a whole.

THE HONOURABLE MR. HOSSAIN IMAM: But not in detail?

THE HONOURABLE MR. P. C. TALLENTS: No details.

INCREASE IN FUNDED STERLING LOANS OF THE GOVERNMENT OF INDIA:

109. THE HONOURABLE MR. HOSSAIN IMAM: Is it a fact that funded sterling loans of the Government of India increased by more than £100 millions or Rs. 134 crores between 31st March, 1923 and 31st March, 1935?

THE HONOURABLE MR. P. C. TALLENTS: Yes.

OUTSTANDING STERLING LOANS OF THE GOVERNMENT OF INDIA.

110. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a full statement of outstanding funded sterling debts of the Government of India giving: (i) the rate of interest, (ii) date of issue, (iii) price of issue, (iv) date of repayment, (v) market quotation on or about 31st of July, 1935, and (vi) the dates on which interest is payable?

THE HONOURABLE MR. P. C. TALLENTS: A statement is laid on the table.

Statement showing the Government of India sterling loans outstanding.

Name of loan.	Rate of interest.	Date of issue.	Price of issue.	Date of repayment.	Market quotation on 31st July, 1935.	Date on which interest payable.
Government of India 4½% Loan.	4½%	25th/31st October, 1922 ..	85%	15-5-1950 15-5-1955	113½	15th May. 15th November.
Government of India 4½% Stock.	4½%	13th/17th May, 1923 ..	90%	15-5-1950 15-5-1955		15th May. 15th November.
Government of India 4½% Stock.	4½%	January, 1928 ..	91½%	1-6-1958 1-6-1968	117	1st June. 1st December.
Government of India 4½% Loan.	4½%	4th/5th January, 1929 ..	91%	1-6-1958 1-6-1968		1st June. 1st December.
Government of India 6% Bonds.	6%	15th October, 1930 ..	100%	15-10-1935 15-10-1937	Not available ..	15th April. 15th October.
Government of India 5½% Conversion Loan.	5½%	9th/21st February, 1931 ..	£103-12s-6d. in exchange for each £100 of Government of India 5½% Stock, due on 15th January, 1932.	15-7-1936 15-7-1938	104½	15th January. 15th July.
Government of India 5½% Stock.	5½%	9th/10th February, 1931 ..	97%	15-7-1936 15-7-1938		15th January. 15th July.
Government of India 5% Stock.	5%	26th/27th April, 1932 ..	95%	15-6-1942 15-6-1947	115½	15th June. 15th December.
Government of India 4% Stock	4%	10th/11th May, 1933 ..	97½%	15-12-1948 15-12-1953	108½ (26th July)	15th June. 15th December.

Statement showing the Government of India sterling loans outstanding—contd.

Name of Loan.	Rate of interest.	Date of issue.	Price of issue.	Date of repayment.	Market quotation on 31st July, 1935.	Date on which interest payable.
Government of India 3½% Stock.	3½%	9th November, 1933	97%	15-12-1954 16-12-1959	98	15th June. 15th December.
Government of India 3% Stock.	3%	11th July, 1935	98	1-8-1949 1-8-1952	Not available	1st February. 1st August.
Government of India 2½% Stock.*	2½%	..	..	At the option of the Secretary of State subject to one year's previous notice.	74½	..
Government of India 3% Stock.*	3%	..	..	At the option of the Secretary of State after 5th October, 1948.	86	..
Government of India 3½% Stock.*	3½%	..	..	At the option of the Secretary of State subject to one year's previous notice.	98	..

*Issued at various rates in various years on various terms.

DATE ON WHICH THE 6 PER CENT. LOAN OF 1935-37 AND 4½ PER CENT. EAST INDIAN RAILWAY DEBENTURE STOCK FALLS DUE.

111. THE HONOURABLE MR. HOSSAIN IMAM: Will Government please state the date on which the 6 per cent. 1935-37 loan and 4½ per cent. East Indian debenture fall due, and the portions of these loans held by the Secretary of State for India?

THE HONOURABLE MR. P. C. TALLENTS: The 6 per cent. 1935-37 Bonds fall due on 15th October, 1935. The 4½ per cent. East Indian Railway Debenture Stock fell due and was discharged on 1st June, 1935. It would not be to the public interest to state what portions of these loans were held by the Secretary of State for India.

THE HONOURABLE MR. HOSSAIN IMAM: May I invite the Honourable Member's attention to the statement issued to us at the time of the budget in which the information was given that the Secretary of State was holding £7½ millions.

THE HONOURABLE MR. P. C. TALLENTS: Sir, such statement may have been made, but it is not desirable to publish information when the Secretary of State finds it in the interests of Government to purchase stock in the market.

THE HONOURABLE MR. HOSSAIN IMAM: Will it be published in the annual accounts?

THE HONOURABLE MR. P. C. TALLENTS: I forget at the moment what the practice is; I cannot answer the question.

AGREEMENTS ENTERED INTO BETWEEN PROVINCES AND THE RESERVE BANK OF INDIA.

112. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state with what Provincial Governments the Reserve Bank has entered into agreements and the terms thereof?

THE HONOURABLE MR. P. C. TALLENTS: Agreements are being entered into between the Reserve Bank and the Governments of the Punjab and the United Provinces with regard to the management of their public debt. These agreements have not yet been executed. Under the provisions of section 21 (4) of the Reserve Bank of India Act, 1934, agreements between the Bank and Provincial Governments, when concluded, have to be laid before the Central Legislature.

THE HONOURABLE MR. HOSSAIN IMAM: Is not the Reserve Bank acting as the bankers of the Provincial Governments at the present moment?

THE HONOURABLE MR. P. C. TALLENTS: No.

THE HONOURABLE MR. HOSSAIN IMAM: Who are their bankers then?

THE HONOURABLE MR. P. C. TALLENTS: The position is the same as it always has been—the Central Government.

PERCENTAGE OF REPRESENTATION OF BRAHMINS, NON-BRAHMINS AND THE DEPRESSED CLASSES IN THE CIVIL AND POSTAL AUDIT OFFICES, MADRAS.

113. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY :- Will Government be pleased to state :

(i) The percentage of representation of the Brahmins, non-Brahmins and depressed classes in the Madras Civil Audit Offices and Postal Audit Offices in Madras as constituted in the years 1929 and 1934 ?

(ii) Whether it is a fact that the Auditor General had issued instructions in the year 1929 to the Civil and Postal Audit Offices in Madras that in the matter of recruitment the orders issued by the Madras Government should be followed ? and

(iii) Whether the ratios fixed by the Madras Government in respect of the non-Brahmin and depressed classes of the majority Hindu community are being followed by these two offices in all the cadres to which appointments are made by direct recruitment ? If so, from what date ? If not, why not ?

THE HONOURABLE MR. P. C. TALLENTS : The information is being collected and will be laid on the table of the House in due course.

AGRICULTURAL CREDIT DEPARTMENT, RESERVE BANK OF INDIA.

114. THE HONOURABLE MR. HOSSAIN IMAM : Will Government please state whether the Reserve Bank has taken any action under section 54 of the Reserve Bank Act ? If so, what ? What is the name of the head of the Agricultural Credit Department and what are the terms on which he has been engaged ?

THE HONOURABLE MR. P. C. TALLENTS : Mr. Darling was appointed on special duty to report on the co-operative and agricultural credit movement to the Reserve Bank. Mr. Darling's report is now under the consideration of the Bank and until the Bank has considered the report it is not possible to state what steps will be taken in the formation of the agricultural credit department. The services of Mr. K. G. Ambedgaonkar, I.C.S., have been placed at the disposal of the Bank for a period of three years on usual foreign service terms to assist the Bank in the formation of the department.

REPRESENTATION FROM THE CINEMATOGRAPH INDUSTRY OR MOTION PICTURE SOCIETY OF INDIA.

115. THE HONOURABLE MR. HOSSAIN IMAM : Has Government received any representation from the Cinematograph Industry or Motion Picture Society of India ? If so, what action, if any, has Government taken or propose to take on them ?

THE HONOURABLE MR. D. G. MITCHELL : Government have, of late, received several representations from the Motion Picture Society of India, but unless the Honourable Member specifies the representations he has in mind it is not possible for me to reply to the latter part of his question.

INDUSTRIES REPORTED ON BY THE TARIFF BOARD AND ON WHICH ACTION IS OUTSTANDING.

116. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement giving the names of the industries on which the Tariff Board has reported and on which the Government of India have taken no action yet with the dates of the submission of the reports ?

THE HONOURABLE MR. T. A. STEWART : I lay on the table a statement giving the information asked for.

Statement showing the industries reported on by the Tariff Board and on which action is outstanding.

No.	Name of industry.	Date of submission of the report of the Tariff Board.	Remarks.
1	Woollen textile industry ..	10th June, 1935 ..	The report is under consideration.
2	Classification of paper for tariff purposes.	10th September, 1935.	Do.

NUMBER OF LISTED POSTS IN THE INDIAN CIVIL SERVICE IN EACH PROVINCE.

117. THE HONOURABLE MR. HOSSAIN IMAM : Will Government kindly furnish a statement giving the number of Indian Civil Service posts set aside as listed in each province and the actual number of posts held permanently by non-Indian Civil Service men in each province ?

THE HONOURABLE MR. T. SLOAN : I lay on the table a statement which gives the information required by the Honourable Member and shows that out of a total of 150 posts to be listed, 132 have already been listed and two more will be listed before the end of this year leaving a balance of 16 still to be listed.

THE HONOURABLE MR. HOSSAIN IMAM : What was the period originally intended ? Was it a fact that it was formerly said that all the listed posts will be occupied by non-Indian Civil Service men by the end of this year ?

THE HONOURABLE THE PRESIDENT : That is an argument and cannot be allowed.

THE HONOURABLE MR. HOSSAIN IMAM : I want to know if it was promised.

THE HONOURABLE THE PRESIDENT : You may put the question but not in an argumentative form.

Statement showing the progress made up to 31st December, 1934 in increasing the number of listed posts in the Indian Civil Service.

Statement showing the progress made up to 31-12-1934

Province.	Number of posts to be listed ultimately.			Total	Number of posts listed so far.			Number of posts remaining to be listed.			Remarks.	
	Execu- tive.	Judicial.			Execu- tive.	Judicial.		Execu- tive.	Judicial.			
		Pro- vincial Civil Service.	Bar.			Pro- vincial Civil Service.	Bar.		Pro- vincial Civil Service.	Bar.		Total.
Madras	10	6	5	21	8	6	5	19	2*	..	2*	* One of these was listed on 3rd January, 1935.
Bombay	8	5	4	17	5	5	4	14	3	..	3	
Bengal	9	9	4	22	9	9	4	22	..	..	..	
U. P.	15	8	1	24	9	8	1	18	6	..	6†	
Punjab	10	6	2	18	10	6	2	18	..	..	..	
Burma	12	5	3	20	9	5	3	17	3	..	3	
B. and O.	7	4	2	13	5	4	2	11	2	..	2	
C. P.	6	4	..	10	4	4	..	8	2	..	2	
Assam	5	..	..	5	4	..	..	4	1	..	1	
Total	82	47	21	150	63	47	21	131	19	..	19	

PROGRAMME OF FILLING LISTED POSTS IN THE INDIAN CIVIL SERVICE.

118. THE HONOURABLE MR. HOSSAIN IMAM: Will Government please state when they propose to fill up all the listed posts? Is it a fact that originally it was the intention to fill all the listed posts before the end of 1935?

THE HONOURABLE MR. T. SLOAN: I would refer the Honourable Member to the explanation given by the Honourable Mr. Hallett during the debate on the Resolution moved by the Honourable Member himself on the 11th September, 1933 in regard to the Indian Civil Service. The intention has been to list 20 per cent. of superior posts in the Indian Civil Service within a period of 15 years from 1st April, 1924 consistently with the avoidance of injustice to existing members of the Service. As I have just stated in reply to the preceding question, considerable progress has already been made in this process. It is hoped that it will be possible to complete the process within the period contemplated.

SHIPPING ARRANGEMENTS FOR PILGRIM TRAFFIC.

119. THE HONOURABLE KHAN BAHADUR NAWAB CHAUDRI MUHAMMAD DIN: (a) Has the attention of Government been drawn to the numerous complaints of pilgrims to the Hejaz regarding accommodation, sanitation, medical aid, etc., published in newspapers and pamphlets after this year's Haj? What steps do Government propose to take to remove the grievances of the pilgrims?

(b) Has the attention of Government been drawn to the dissatisfaction with the present arrangements for supply of food to the pilgrims? What measures do Government propose to take to improve the present system?

(c) Has the attention of Government been drawn to the general desire among the pilgrims that there should be a restaurant on board the ship, which should cater for all the pilgrims on cash payment, so that each pilgrim should have the option of purchasing food according to his taste and means? If so, are Government considering the advisability of introducing the restaurant system on "pilgrim ships"?

THE HONOURABLE MR. RAM CHANDRA: All these matters are engaging the consideration of Government in connection with the examination of the reports received on the working of the arrangements during the last pilgrim season. The advice of the Standing Haj Committee of the Central Legislature has been sought and further necessary action will soon be taken.

CRIMINAL LAW AMENDMENT BILL.

THE HONOURABLE MR. T. SLOAN (Home Secretary): Sir, I move:

"That the Bill to amend the Criminal Law, in the form recommended by the Governor General, be taken into consideration".

In making this Motion, Sir, I find myself in a position of some difficulty. Government attach great importance to this Bill. Indeed they consider its passage into law essential in the interests of the country. The Bill is admittedly a very controversial one and it is a matter of regret no less to Government than to the Honourable Members of this House that the

[Mr. T. Sloan.]

refusal of the other House even to take the Bill into consideration has resulted in the Bill coming before this House in a recommended form, to be accepted or to be rejected but not to be amended. That restriction on the powers of this Honourable House is an unfortunate feature of the present constitution and I can only express my confident hope that Honourable Members will not let that position influence their attitude to the Bill or prevent them from considering it on its merits without heat or rancour and with a due sense of responsibility.

My second difficulty is that the Bill has already been discussed at great length in another place and also in the Press during the past two weeks. All that can be said in support of it has already been said by much abler and much more experienced advocates than I. The arguments both for and against the measure must be well known to all Honourable Members of this House and it will be difficult for me in presenting my case for consideration to say anything new or to put the matter in such a way as not to try the patience of the House.

This Bill, Sir, is in a form which it is not altogether easy to understand without reference to the two Acts which it proposes to amend. Copies of these Acts have, I understand, been made available to all Honourable Members and will, I hope, enable them to understand without much difficulty the exact scope of the Bill. These two Acts are the Indian Press (Emergency Powers) Act, 1931, and the Criminal Law Amendment Act, 1932. They will both expire in December next and the purpose of this Bill is to continue in force certain of their provisions. It is not necessary for me to deal with all these provisions in detail. I propose to confine my explanation of the measure to its most important features. These are the provisions dealing with picketing, unlawful associations and the Press.

In regard to the picketing provision the first point I should like to mention is that it will only come into force when applied to a particular area by the Local Government. In this respect this provision is different from all the other provisions of the Bill. Picketing, as Honourable Members will remember, was extensively used by supporters of the civil disobedience movement. Government do not propose to continue the other provisions of the Act of 1932 which were aimed against different forms of intimidation which also formed particular features of that movement, and it may well be asked why they have singled out the picketing provision for special treatment. The reason for that differentiation is of course that picketing is no longer associated only with civil disobedience. It has in the words of one Local Government become

“a more or less normal method of expressing opposition to Government and of causing annoyance to private persons who differ from the political, economic or religious views of the picketers”.

It has in fact as a result of the civil disobedience mentality become a more or less normal feature of any organised resistance to constituted authority. In places as far apart as Burma at one end of India and the Punjab at the other, it has been used in pursuance of strikes in educational institutions and the section which we now propose to continue in force has in such strikes enabled Government to maintain order without resort to the use of force and to prevent the dispute from leading to violence. I should perhaps add here that there never was, and there is not now, any intention that this section should be

used to prevent what is known as peaceful picketing in connection with strikes of a purely industrial nature, and so far as Government are aware it has never been so used. On the other hand, it has been used with effect in strikes started with a political as distinct from an industrial object and inspired by communist agents in the furtherance of communist aims. The need for the section has been denied on the ground that the ordinary law is sufficient. That argument has been used also against other provisions of the Bill and I shall deal with it at a later stage but I should like just to say here that experience in a hundred places has shown that this assertion is entirely fallacious.

The next section of the Act of 1932 which we are proposing to continue in force is section 13 which contains provisions to strengthen the hands of Government in dealing with unlawful associations. The most important of these provisions give Government power to take possession of buildings used in connection with, and the funds of, unlawful associations. It was suggested by one Honourable Member in another place that this Bill gives Government the power to declare any association unlawful. That of course is quite untrue. The power to declare associations unlawful in certain specified conditions was conferred by the Criminal Law Amendment Act, 1908. Honourable Members will no doubt remember that the Repressive Laws Committee in 1921 recommended that the part of that Act conferring this power should not be repealed and in doing so gave among other reasons the existence of secret associations in one part of India and the arrival in India of Bolshevik emissaries who might promote illegal associations to terrorise the population. It is interesting, Sir, to find that the continuance of the Act of 1908 was justified in 1921 by the existence at that time of the two dangers by which Government today justify the continuance of those provisions introduced in 1932 to strengthen the Act of 1921, namely, terrorism and communism. Now, Sir, experience has proved that the Act of 1908 did not enable Government effectively to check the activities of an illegal association. If the principle of declaring associations unlawful is accepted, and that principle has now been embodied in the ordinary law of the land for the last 27 years, it is surely logical that Government should also have the power to cripple the activities of such associations. Under the Act of 1908 Government could proceed against individuals who were members of, or who managed or assisted in the management of, such unlawful associations, but such prosecutions were frequently found to be unsuccessful for certain technical reasons and were an ineffective check on the operations of the association. The nerve centre of any organisation is its headquarters and its blood stream is its funds. Take away the headquarters and the funds and you effectively put an effective check on the association's activity. Section 13 of the Act of 1932 gave Government the power to do this and it has been proved by experience to be a most effective way of dealing with such associations. It enables Government to render the association ineffective, without necessarily punishing the individual. The whole principle underlying this and other provisions of the Bill is prevention, not punishment. The provision in regard to funds has also served as a useful and effective deterrent to the supply of funds because people are reluctant to subscribe to an association whose funds are liable at any moment to be confiscated and we have also definite proof that the Communist Party have had to resort to a most expensive method of getting funds for their work because these funds for the most part

[Mr. T. Sloan.]

come from abroad and this provision closes to them the use of the ordinary methods of transmission.

The last set of provisions which we propose to continue and those which are perhaps the most controversial of all are those that deal with the Press. These are sections 14, 15 and 16 of the Act of 1932 which continued the Emergency Press Act of 1931 in a slightly extended form. The provisions of that Act are sufficiently well known to Honourable Members. It enables Government to exercise some control over the Press by the demand of security from keepers of printing presses and publishers of newspapers and by the power to forfeit such security. These, Sir, are admittedly drastic powers. Their justification is to be found in the history of Press legislation in India and in the use to which the Press has been put in the encouragement of terrorism and communal hatred. I do not propose to weary the House by reading out extracts from newspapers. All Honourable Members are perfectly well aware of the extreme lengths to which a section of the Press is ready to go.

THE HONOURABLE THE PRESIDENT: Are you reading from a newspaper? Is it an extract from a newspaper?

THE HONOURABLE MR. T. SLOAN: No, Sir. Even its own most ardent supporters admit that there is a section of the Indian Press which is wholly irresponsible and unscrupulous, and they deny the need for special measure on the ground that that section is a small one. It is against that section that the Press Act is aimed and it is neither a small nor an unimportant section as some people try to make out. Its influence is pernicious and experience has shown that it has taken full advantage of its opportunities immediately control has been relaxed. The Press Act of 1910 was repealed in 1922. From that year until the introduction of the Press Ordinance in 1930 there was no control. When he enacted that Ordinance Lord Irwin stated as follows:

"On various occasions since 1922 the evil effects of writings in the Indian Press in promoting a spirit of revolution and stirring up extreme hatred of the Government established by law in British India have been brought prominently to notice by certain Local Governments. It has been recognised that the anticipations formed in 1922 have not been fulfilled, but that on the contrary the tone of a certain section of the press has been growing almost steadily worse, with its immunity from effective control. The measure of the effectiveness of the Press Act has been shown very clearly by the remarkable accentuation since its repeal of those features which it was intended to check. Prosecutions are from time to time instituted in the worst cases, but it has always been recognised that these provide only a partial remedy, and looked at broadly are ineffective to control the ceaseless output of extreme seditious and revolutionary propaganda."

And immediately after the Ordinance expired in October, 1930 a new flood of violent and seditious articles in which murderers were openly praised began to appear. A second Ordinance was promulgated in December, but it was withdrawn in March, 1931 when the Delhi pact was made. For seven months there was again no control and the same rapid deterioration in the tone of the Press took place and once again there was direct approval of terrorism and violence with the result that in October, 1931 the Press (Emergency Powers) Act had to be passed. We have thus on these occasions learnt by experience. If we relaxed the law again the same results would inevitably follow.

Now, Sir, I have said that the powers conferred by that Act are drastic. But Government contend that they are no more drastic than the situation demands and they have not stifled and do not stifle reasonable and legitimate criticism. Criticism of Government by a large section of the Press is direct, outspoken and continuous. If proof of that statement is wanted, a study of recent articles regarding the attitude of Government on the Bill before this House would supply it in ample measure. We do not object to criticism so long as it is honest, and not based on distortion of facts or deliberately worded so as to promote hatred. In another place figures were quoted to show that the increase in the number of newspapers and periodicals between 1911 and 1921 was only 120, *i.e.*, while the Press Act was in force and between 1922 and 1930 when there was no control the increase was 1,500. I do not know the source of these figures and, therefore, I am not going to question them. But I can give figures which tell a very different tale. In the three years prior to the introduction of the Press Ordinance in 1930 the number of newspapers and periodicals rose by 246. In the three years after the passage of the Press Act in 1931 the number increased by 419. That is to say, that the increase in the three years after the Act was 70 per cent. more than the increase in the three years before it. I do not of course suggest that those figures show the opposite of what the figures in another place were held to show, but I do hold that they show that the number of newspapers and periodicals is determined by other factors which are much more potent than the existence or the non-existence of the Press Act. I may perhaps add also that since the Press Act was passed, the increase in the number of newspapers has been well over 500 and the increase in the number of presses has been over 1,000. That, Sir, completes what I have to say about the provisions of the Bill. I turn now to its justification.

We have been repeatedly told that the Act of 1932 was passed to counteract the civil disobedience movement. One speaker in another place went the length of saying—I quote his own words—

"So far as published literature goes the Government had nothing in mind except the civil disobedience movement when this measure—"

THE HONOURABLE MR. HOSSAIN IMAM: On a point of order, Sir. Is the Honourable Member right in quoting from the proceedings of the Assembly?

THE HONOURABLE THE PRESIDENT: You may make those observations yourself without referring to the Assembly proceedings.

THE HONOURABLE MR. T. SLOAN: I apologize, Sir.

One speaker in another place held that the Government had nothing in mind except the civil disobedience movement when this measure was placed on the Statute-book in 1932. It is not difficult to show that in fact it is entirely untrue. No doubt the civil disobedience movement was the immediate origin of the Act, but there was no concealment of the fact that it was not its sole justification. May I quote what Sir Harry Haig said on that occasion in the other House?

THE HONOURABLE THE PRESIDENT: Certainly.

THE HONOURABLE MR. T. SLOAN : I am quoting what Sir Harry Haig, who was Home Member at that time, said in the Legislative Assembly in September, 1932 :

"We are disposed to think, therefore, that these powers should be secured not only for the existing official Governments during the comparatively brief period that lies before them but that the new Governments should at any rate start in possession of those powers. It will then be open to them to discard them or to leave them unused if they feel that they can safely do so".

Then he went on :

"We have in India a triple threat to peaceful progress, civil disobedience, communism and terrorism, and though the main provisions of this Bill are directed against the first of these, I hope the House will not forget that the provisions relating to the Press will exercise a strong controlling influence over the movements of communism and terrorism".

That quotation shows that the Government had at that time three dangers in mind, civil disobedience, terrorism and communism, and it shows also that they were at one with the present Government in thinking that the new Governments should start in possession of the powers which the Act gave. Civil disobedience was the most immediate and pressing danger in 1932. It has ceased to be that. In recognition of that fact Government are not asking for the continuance of the provisions which were mostly directly connected with certain features of that movement. But let us not forget that civil disobedience is still a potential danger. That has been made abundantly clear by recent statements by leaders of the Congress Party. It is perfectly clear that these leaders hold themselves free to revive civil disobedience whenever it suits them, and if any confirmation of these statements is required, it can be found in what Mr. Gandhi himself recently wrote to one of his followers to the effect that his *sadhana* at present is non-violent disobedience of laws. I would ask Honourable Members to note the words "at present is". In view of this attitude on the part of the Congress Party and of Mr. Gandhi himself, surely Government are justified in holding that the danger to meet which the Act of 1932 was introduced has not altogether passed, but is only dormant, and still remains a threat to the peace of the country.

Next terrorism. We admit the position in Bengal has improved, but no unbiassed person with a knowledge of the actual position in that province would hold that terrorism is either dead or even dying. Unfortunately there is plenty of evidence that the terrorist virus is still active and that it is constantly infecting new victims. We are told however that Bengal does not need the Bill because it has plenty of other special Acts to deal with terrorism. It undoubtedly has such Acts but without this Bill the Government of Bengal would have no control whatever over the Press and there is little doubt that loss of that control would immediately result in a fresh flow of incitements to violence and of glorification of murderers, which is exactly the sort of literature which leads unbalanced youths to join the terrorist movement and which would in a very short time undo all the improvement which has been achieved in the last few years. But terrorism though mainly is not wholly a Bengal problem. As the Honourable Home Member pointed out in another place, in recent months unfortunately there has been considerable activity in other parts of India, particularly in Ajmer, the United Provinces, Bihar and Orissa and Assam, and of the 25 terrorist incidents reported during the last six months, more than half have taken place in these provinces.

In regard to communism I shall not say much. Its activities are little known to the public and its dangers are not fully appreciated because it does not work in the open but underground. Nor do we for obvious reasons publish all that we know about it. But the objects of the movement are no secret. Its published objects include the violent overthrow of British rule in India, the abolition of all Indian States, the establishment of a Soviet Government in India under the control of Moscow, and the confiscation of all lands, forests and other property of landholders, princes and money-lenders. Now, Sir, it is idle to assert that the danger of communism is a fiction of a fertile imagination. Communists are clever and determined men. They have an excellent organization and it will be the sheerest folly for Government not to arm themselves with some powers to check the movement, which was strong attractions for a certain type of modern youth, which is being pursued with all the vigour that our law permits and which has for its object the violent overthrow of Government in India and of the whole social and economic fabric of the country.

The fourth danger is communalism and I shall deal with it in a single sentence. Every Honourable Member knows what a serious menace that is at the present moment to the peace of the country and how the embers of communal feeling can be fanned into flame in a moment by violent articles in the Press.

These, Sir, are the dangers which we expect the Bill to hold in check and we are proposing to give permanency to the provisions of the Bill because we can at present foresee no time when the most serious of these dangers will not be a menace to the peace of the country, and because we believe, as the Government in 1932 believed, when they proposed that the Act of 1932 should be a permanent measure, that the new Government should have the powers which these provisions confer upon them when they take over the reins of government. We are constantly told that even if the existence of these dangers be admitted, the ordinary law is sufficient to meet them. Well, Sir, such statements find their best contradiction in experience. Picketing is certainly a form of intimidation which nearly always leads to violence and there are in the ordinary law sections for dealing with intimidation. But every District Magistrate who had to deal with picketing during the civil disobedience movement knows that the intimidation sections of the Penal Code were useless. It was not till section 7 of the Act of 1932 became law that they were in a position to check this particular evil. The Indian Penal Code and the Procedure Code admittedly provide certain powers for dealing with incitements to sedition and communal hatred, but here again these have been proved ineffective as a check on the outflow of such incitements. It is partly due to the fact that the penal sections can be defeated by such devices as that of a dummy editor, and partly to the fact that they can only be applied after the mischief is actually done. The value of the Press Act is that on the one hand it has a restraining influence on the irresponsible section of the press and on the other it enables Government to deal with that section in an effective manner when any paper does overstep the mark.

I have seen it stated, Sir, that Local Governments have not asked for this measure and that it has been forced upon the country by the Government of

[Mr. T. Sloan.]

India alone. Let there be no misunderstanding on that point. All Local Governments were consulted on every provision of this Bill. The Government of India are constantly consulting Local Governments on different matters and they often get from them a wide variety of opinion, but speaking from a long experience I can say that it is seldom that the Government of India get from Local Governments so unanimous an opinion in favour of any measure as they have received in favour of all the provisions of this Bill.

Now, Sir, I am done. Before I sit down, there is just one last point, which I should like to mention. The Bill has been condemned because it infringes the liberty of the subject and the liberty of the press. There is, as Honourable Members are perfectly well aware, no such thing as absolute liberty. Liberty is a purely comparative term. None of us is or ever can be an entirely free agent. The liberty of the individual in every modern State must be restricted in the interests of the State and must be limited by the rights of his fellow-subjects. The criticism that this measure infringes the liberty of the subject is therefore no more than the statement of an obvious fact. The real issue is whether it does so unnecessarily or to an excessive extent. On that issue, there is room for honest difference of opinion. But, if I may say so, criticism on the ground of interference with liberty comes very inappropriately from the Party which was responsible for the civil disobedience movement, which depended very largely for any success which it had on intimidation of the most flagrant kind which interfered with the liberty of masses of peace-loving people. This Bill infringes the liberty, not of the great mass of the people, but of a comparatively few mischief-makers. I would, therefore, appeal to Honourable Members not to be led away by clichés about liberty but to face actual facts, to realise that this Bill is designed in the interests of the peace and the good government of this great country, and to acknowledge their responsibility for the welfare of the body politic by accepting my Motion.

Sir, I move. (Applause.)

THE HONOURABLE THE PRESIDENT: Motion made:

"That the Bill to amend the Criminal Law, in the form recommended by the Governor General, be taken into consideration".

The debate will now proceed on this Bill, but I hope that the traditional dignity of this House shall be maintained on this occasion.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, it is a sad irony of fate that on the eve of the New Constitution Government have come forward with a measure which seeks to place permanently on the Statute-book a piece of legislation admittedly intended for exceptional circumstances. It is to my mind a case of history repeating itself for Government evidently propose to adopt the same policy which they have pursued since the introduction of the Morley-Minto Reforms in 1910. When those reforms were introduced Government enacted the Press Act, a highly repressive measure in the teeth of opposition of Indian public opinion. In 1919, when the Montagu-Chelmsford Reforms were on the anvil, the notorious Rowlatt Acts were passed with dire consequences which we all deplore. But for those Acts, we have reason to believe the non-co-operation movement started in

1920 and which did such great damage to the progress of the country and gave it such a serious set-back would not have launched into existence. And now in the year 1936, when provincial autonomy and responsibility will be established and when an all-India Federation with some measure of federal responsibility is within sight, Government have come forward with a Bill which seeks to perpetuate many of the stringent provisions of the Criminal Law Amendment Act. This will give cause to the world at large to believe that the British are unable to carry on the administration of this country without repressive legislation of one kind or another.

Five different kinds of offences are dealt with in the Bill which as the Criminal Law Amendment Act is proposed to be placed permanently on the Statute-book. These are, the existence of terrorism, communism, civil disobedience, communalism and extreme license of the press. Government evidently think that unless the Criminal Law Amendment Act is perpetuated, these serious evils are not likely to be eradicated. I am glad, however, to find that some of the provisions of the Criminal Law Amendment Act are not re-embodied in this Bill. These relate to civil disobedience. To this extent I wish to express my satisfaction and to congratulate Government upon their realisation that at all events some of the provisions of the Criminal Law Amendment Act are no longer necessary but there may be a reason for their deletion to which I will refer later on in my speech.

Having said so much I shall try to explain my precise position with regard to this Bill. And first as regards terrorism. I do not think there is any Member of this House who does not realise that terrorism should be put down with a heavy hand. That every proper measure ought to be taken to stamp out terrorism, we are all agreed and so far as those provisions of the Bill deal with terrorism are concerned, I have nothing to say against them. I support those provisions fully and without any reservation. I must make it plain in connection with this part of the Bill, that it is the duty of Government in dealing with terrorism not only to adopt repressive measures but also to adopt all such measures as may lead to the removal of the root causes thereof. It was said in the other House that terrorism is still alive and that in fact during the last two months there has been a definite revival in North India and Bengal. On the whole it would appear that there is a decline judging from the remarks contained in a Resolution on the Police Administration of the Bengal Presidency during the year 1934 which we read in the daily papers three days ago. It says:

"That a series of terrorist outrages were committed and a large number of pistols and revolvers were recovered during the year are evidence of the fact, though the police have been able to get a measure of terrorism as they have never done before, that it is still an insidious and dangerous movement against which unremitting vigilance must be maintained. Excluding Calcutta fourteen terrorist crimes were committed in Bengal during the year against forty-one in the previous year and seventy-four a year before".

Terrorism first manifested itself in this country in 1908 and ever since then Government have been taking measures to stamp it out. Twenty-seven years have passed since then, and yet we are told by Government that terrorism is still thriving. Is not this phenomenon full of significance and should it not make the Government seriously think why terrorism should still thrive? Surely the root causes of terrorism have not yet been touched? If

[Sir Phiroze Sethna.]

terrorism is a mere outcome of an intensified and perverted nationalistic spirit, it is obviously the duty of Government to offer adequate satisfaction to the national aspirations of India. If it is the outcome of unemployment on a large scale, particularly among the middle classes, measures must be adopted to remove that unemployment, at least to reduce it, as much as possible. What is wanted is not just a policy of repression but also a policy of reconstruction which will wean away the youth of India from those influences and keep them away from those bitter experiences, which predispose them to throw away their precious lives in a career of criminal conspiracy and of violence. This is a point of view which I wish to press once more upon the attention of Government and I feel no doubt that they will not misunderstand the spirit in which it is urged. I also wish to make it plain that I am not at all unconscious of the responsibility which devolves upon Indian public leaders in this matter. I am glad to know that prominent leaders of Bengal are doing their best to impress upon the youth of that province that they should never allow themselves to be influenced by or fall a victim to terrorism. And I have every hope that their efforts will be supplemented in other quarters and carried on with increasing support from all sections of the population. There is already formed there since the last few months an anti-Terrorist League. I understand it is doing good work, its members are fast increasing in numbers and there are branches of the League in several mofussil towns of Bengal. This is as it should be. More than this, His Excellency Sir John Anderson, the Governor of Bengal, has of late been paying considerable attention to the question of relieving unemployment in his province and it is gratifying to find that he proposes to include in his programme the training of some selected detenus for agricultural and industrial occupations. There is published in this morning's papers the full text of the communiqué issued by the Government of Bengal in regard to such training of detenus. The communiqué begins with a reference to the speech made by His Excellency at the end of last month wherein he said :

"I believe that while there is among detenus a certain number of irreconcilables, there is, on the other hand, a large number who have been led astray by a perverted idealism and who can be made to see the error of their ways and to become useful citizens. I consider that the State should recognise that it is incumbent upon it to do what it can to give such men a chance of turning their energies and abilities into useful channels".

Endeavours like these will go a long way to check terrorism.

I now come to the second offence, namely, communism. I equally strongly condemn communism. I do not believe in the abolition of private property nor in the materialistic corruption of society upon which communism is based. Its attack on religion and society is the most subversive of the foundations of life and character, than can be conceived. If there are communistic activities in this country and if they are aimed at the overthrow of Government, then Government are fully justified in taking measures to put them down. I therefore support those provisions of the Bill which are directed against violent manifestations of the communistic movement. But the point about communism is that however wrong one may think it to be it is after all we must recognise but a system of thought and no Government has a right to penalise expression of thought, unless it leads or is calculated to lead to violence. This opinion was quite recently expressed by two learned Judges of the

the Calcutta High Court, both Englishmen, Messrs. Lort Williams and Jack who decided in favour of the accused who were taken up by the police for speaking in favour of communism. Moreover, how are you going to ban communism and uproot it altogether so long as the literature on communism is being freely imported into this country and is being read with avidity by the younger educated classes. Are you going to ban Laski, MacMurray, and a host of other writers who have written on communism? Are you going to make mere possession of communistic literature an offence? All this will have to be done if you want that this country should be free from the slightest taint of communism. Are you prepared to do all this? By all means, let communistic movements or activities if they are directed towards violence be put down but it would be sheer folly to attempt to kill all thought of communism. The antidote to communism is a well-considered, practical system of social and economic reconstruction.

The next ground on which this Bill is sought to be justified is communalism. It is said on behalf of Government that never before has communalism manifested itself to such extent and with such intensity as within recent times. Now, have Government taken care to find out why it has been so? Many people think that the policy of the Government and some times the actual methods of Government officers are partly responsible for these outbursts of communal feeling. I am not prepared to go so far but it seems to me that when the principle of communalism is so freely and almost aggressively recognised in the constitution and in the administration what wonder is there if communal spirit and ambitions are aroused to an undesirable extent, and if they at times manifest themselves in communal antagonism? I strongly condemn all manifestations of communal feeling and antagonism. I also know full well that communal feeling is fanned into flame by reckless utterances and writings of some communal leaders. I strongly condemn all such utterances and writings. But I do not think that special legislation of this kind is necessary to meet communalism. The Indian Penal Code, the Criminal Procedure Code and the local Police Acts are quite sufficient for the purpose. What is wanted is that every officer of Government should be strictly enjoined to maintain the most scrupulous impartiality between one community and another, to show no bias in favour of or against any community.

I now come to the last ground urged by Government in favour of this Bill, namely, the license of the Press. One strongly deprecates such license and I know that the country would not be any the worse off if some of the gutter press went out of existence. But here again the problem is how to maintain legitimate freedom of the Press and at the same time to punish all such writings as are really offensive. As the House is aware and as I have already said Government enacted in 1910 the Press Act. In a historic case under that Act which came before the High Court of Bengal a judicial authority of the eminence of the late Sir Lawrence Jenkins, the then Chief Justice of Bengal, while interpreting the provisions of the Act, expressed the opinion that those provisions were so wide and comprehensive that no writing would fail to come within the purview of the Act. He added that even standard literature might be punishable under the Act. Now, the provisions of this Bill we are discussing relating to the Press are mostly based on that Act and in some respects are worse than

12 Noon.

[Sir Phiroze Sethna.]

those in the latter. Government maintains that the cases in which action has been taken under those provisions are so few that they show with what moderation the provisions have been put into operation. This argument misses the real objection to these provisions. The fact is that they hang like the Sword of Damocles over the head of every journalist and act as a damper on free and independent criticism. Every journalist is at the mercy of the Executive. He always has the fear that his criticisms may provoke the wrath of the Executive officers who are after all human and that they may set in motion the machinery of the press legislation against him. Government must recognise that for the preservation of the freedom of the press, they must be prepared for some license of the press and that such license, if it is not too insignificant to be ignored must be dealt with not by such extraordinary legislation but by the ordinary law of the land. I for one would like to go a little further. The Home Member quoted from a letter from the Punjab Government and read out that

"the present editor of a Sikh newspaper is an ex-convict, a barber by caste who was for a time a syce in a labour corps and was sentenced to imprisonment for desertion. Nearly all the worst vernacular journals have dummy editors of this type, most of whom being ex-convicts for whom imprisonment is no real deterrent".

I would therefore suggest that no person should be allowed to make a declaration that he is an editor of a paper unless he possesses certain educational qualifications. On the whole, I am strongly opposed to the provisions of the Bill as regards the press and certainly against making them permanent.

The Bill as I have already stated deals with five different offences and I have expressed my views on each of them. I am in agreement with Government for taking steps to stamp out the worst evils complained of but I am certainly not in agreement with Government for asking the House to agree to the Bill being made an Act for all time. Some of us certainly cannot agree with such a proposal. If the Bill were a temporary one for a limited number of years, I feel confident that Government would receive the unanimous support of the House.

THE HONOURABLE MR. P. N. SAPRU : No, not mine.

THE HONOURABLE SIR PHIROZE SETHNA : That is a matter of opinion I would go further than you and would support it.

As the Bill has come to us in a recommended form it is not open to us to move an amendment to the effect that its operations be confined to a fixed number of years or for the matter of that to move any amendment at all and therefore I for one feel that I cannot vote in its favour.

When the Act of 1932 was introduced in the form of a Bill it was also designed to be permanent but the Select Committee turned down that proposal and Government agreed that its duration should be limited to three years. This period of duration ends in December next and if acting on the same lines as before Government had proposed to renew the measure for say another three years or even five, in spite of what my Honourable friend says, it will

command the support of a great majority of us here. The reason for making the measure a permanent one has been explained by the statement that "temporary legislation designed to counter subversive movements has this unsatisfactory feature that it encouraged those who are promoting such movements to cherish the hope that the time will come when their unlawful activities can be resumed".

Another reason advanced is that the present Government will be handing over to the new Government under the New Constitution and the administrative machine should be such as will amply provide them with the means of countering the subversive and disruptive forces which may attack it. This is with a view to be helpful to the ministers under the new regime. A very beneficent thought indeed and thereby great solicitude is shown for the ministers under the new regime but those men will not be worth their salt if they cannot themselves take care of the situation. If the Bill is for a short period and if at the end of that period the minister in charge thinks that it should be renewed he will certainly propose its continuance and possibly get the Legislature to endorse his views. If, on the other hand, the Legislature will not agree to renew the Act then the Governor General under the new Act is fully armed with authority to certify the Bill as he is doing at the present moment. It would appear therefore that the idea of making this Bill permanent is more for the purpose of helping the future Governors General rather than the ministers so that future Governors General may be saved the unpleasant task of using their powers of certification.

Government appear to be somewhat inconsistent. They propose to repeal certain sections in regard to civil disobedience. Why they should have done so beats me when they lay such great importance on statements made by responsible Congressmen that they will renew civil disobedience at any time when they again think it necessary to do so. In spite of such emphatic statements made by the President of the Congress and others Government have chosen to drop some sections. May I ask if that is done by way of a sop so that the rest of the Bill might be accepted *in toto* by the Legislature and be placed on the Statute-book for all time? The Bill is going to be certified by the Governor General and become an Act. Such being the case we know full well that any criticisms of this House will have no value whatever, so far as the enactment of the Bill is concerned. I beg, however, to submit to my Honourable colleagues that the decision of the Government to place this Bill on the Statute-book, if need be, merely on the signature of the Governor General, should not deter us from expressing our views. My own position I have made absolutely clear. I consider that the provisions of the Bill, so far as they relate to terrorism, communism and communalism are on the whole necessary but I am strongly opposed to the provisions which relate to the Press. As it is the hands of this House are tied, because we can effect no changes and there is no alternative but either to consent to this Bill or to reject it altogether. I for one deeply regret that the action of Government gives us no third alternative and affords us no opportunity of improving the Bill so that it may secure the support of the saner, more sober and moderate sections of opinion in the country.

In concluding his speech in the other place the Honourable the Home Member quoted the Prime Minister Mr. Baldwin as saying that :

"The price of liberty is eternal vigilance and it is our duty to keep the State steady at a point where liberty is neither curtailed by untoward restrictions nor abused by unseemly license".

[Sir Phiroze Sethna.]

With all respect to the Honourable Sir Henry Craik, may I be permitted to point out that the quotation does not apply in this case. May I ask Government if they are practising what the Honourable the Home Member has preached in the words of the Prime Minister? Mr. Baldwin is of opinion that "liberty must not be curtailed by untoward restrictions". Is it not that what is proposed in the Bill does amount to nothing less than imposing "untoward restrictions"? The quotation says "that the price of liberty is eternal vigilance". Passing a Bill of this nature and putting it permanently on the Statute-book will require no vigilance whatsoever. It is intended to make it plain sailing for Government for all time. All I can say is that the certification of this measure with a view to make it permanent cannot but have very undesirable effects upon public opinion and sentiment. For these reasons I am sorry I will not be able to vote for the Bill as it stands, for it is one more illustration of the defiance by Government of public opinion however strongly and constitutionally expressed.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal: Muhammadan): Sir, I do not propose to dwell on the details of the Bill for much has been said for and against it. In the interest of the preservation of law and order, perhaps it will not be improper on the part of the Government to be armed with such weapons as are provided for in this Bill. The only thing of vital importance that has struck my mind regarding this Bill is that the Government is apt to the improper use of the power that they are going to acquire under the provisions of this Bill. I can cite one glaring example of such improper use. Only the other day the Government took drastic repressive measure against some Muslims and Moslem newspapers of Lahore on the imaginary ground that it was reported that they had fixed the 20th day of this month for considering whether the civil disobedience campaign could possibly be launched, but I am painfully surprised to find that before the arrival of the appointed day the Government had taken action against some people. Even cold logic would not admit that an action can be taken before the cause of action has actually arisen. I consider it sheer inadvertence on the part of the Government to prosecute those people before the arrival of the day when definite charges could be framed against them. Even a man of my cadre of faith who has always lent his unrelenting and unhesitating support to every measure that was brought before this House, does feel that there is very little that can be said in favour of the action of the Punjab Government in Lahore. In fact, Sir, the action of the Punjab Government has left us in a perplexed position and we, the Muslim legislators here, are at a loss to decide our course of action regarding this Bill. However I do not think it worth while to add to the embarrassment of the Government by opposing the Bill but what I would like to emphasise and stress is that before putting the provision of this Bill into operation the Government should give a careful consideration to the pros and cons of the question and make it a point to see that in future such improper use of this provision does not occur.

With these words, Sir, inasmuch as it touches the safety of the general peaceful public, I support the Bill.

THE HONOURABLE RAI BAHADUR, LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): Sir, I rise to congratulate my friend Mr. Sloan on faithfully discharging his duty in giving vent to his master's voice—I mean the Honourable the Home Member. I am very sorry to remark that my Honourable friend the Home Member has not thought it proper to come to this House on an important occasion like this.

THE HONOURABLE MR. T. SLOAN: May I explain that the Honourable Home Member is detained in another place but will come here as soon as he is free to come.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am glad to hear from my Honourable friend that we shall have the pleasure of hearing the Honourable the Home Member in this House for the first time in the session on an important measure like this.

Sir, I am one of those who not only oppose this Bill as a permanent but also as a temporary measure, and in this respect I regret I have to differ from the views expressed by my learned friend Sir Phiroze Sethna. We must see what the present situation is and why this Bill is being brought on the Statute-book as a permanent measure. I am glad to hear from my friend that the Bill when introduced as a temporary measure in 1932 was chiefly due to the civil disobedience movement. That was also accepted by the Home Member at that time, and that being the chief reason then for enacting this measure, I regret very much that it should now be placed on the Statute-book as a permanent measure at a time when everybody including my friends on the treasury benches agree that the situation is calmer and the civil disobedience movement is suspended. The other reasons given by my friend are merely secondary. What are these reasons? They are, the existence of terrorism, communism and communalism and another reason which he has given in a broader sense is to safeguard the interests of the future ministers in the next constitution. Sir, I shall deal with each of them separately later on. At present I want to put some very important questions to my Honourable friend and I hope that he will satisfy the House when replying to the debate. Why was this Bill not referred to a Select Committee? We all know that the Bill introduces a very important and fundamental principle, namely, making this measure a permanent one. We all know, Sir, that when the Bill was introduced in 1932 it was referred to a Select Committee and what was the result? The result was that in spite of the fact that the Bill was going to be a permanent measure, a compromise was arrived at in the Select Committee by which certain sections were modified and its permanent feature was changed into a temporary feature for three years. I think, Sir, it was on account of that very reason that the Bill was passed by the House at that time, especially as the chief cause on account of which the Bill was introduced was in existence, I mean the civil disobedience movement. My second question to the Honourable the Home Secretary is why the public was not consulted? I am glad to hear from him that Provincial Governments were consulted on this measure. Sir, I should like to know whether Provincial Governments as a whole were consulted or only the Executive Councillors; because it is a very important point. The public would like to know what were the views of the Ministers who are to a certain

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

extent responsible to the Legislature, whether the Ministers in the provinces where there is no terror of terrorism or communism gave their consent for making this all-India Bill a permanent one on the Statute-book? I hope my friend the Honourable the Home Secretary will enlighten the House on these points; and the public will be delighted to know which of the Ministers of the provinces were in favour of this Bill. Then I fail to understand what were the important reasons why, when this Bill has been thrown out by the popular House and the public has given its verdict in the press and on the platform against it, why is the Bill going to be a permanent feature in a certified form? Sir, I think it was the duty of my friend the Honourable the Home Member—I am glad to find he has come to this House for the first time and I congratulate him—

THE HONOURABLE SIR HENRY CRAIK: Not for the first time.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: For the first time this session, Sir—he has recommended to the Governor General to certify the Bill with its permanent feature. When so much opinion was against it and my friend thought that his Government cannot be safely carried on without this measure, what he ought to have done was to approach His Excellency for a temporary and not a permanent measure.

THE HONOURABLE THE PRESIDENT: What makes you say that the Home Member approached His Excellency? This certification was done in exercise of his prerogative by His Excellency the Governor General.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, if I remember aright, when His Excellency addressed both the Houses, he was pleased to say that he agreed with the opinion of the Executive Councillors and certified the Bill.

THE HONOURABLE SIR HENRY CRAIK: His Excellency said nothing of the kind. The responsibility is entirely that of the Governor General.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I was under the impression that the Government as a whole was in favour of making this Bill a permanent measure?

THE HONOURABLE THE PRESIDENT: That is another point altogether.

THE HONOURABLE SIR HENRY CRAIK: They are.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Then, Sir, we all know that under the reformed Constitution the provinces are going to enjoy so-called provincial autonomy and would like to look after law and order according to local conditions and circumstances. That being the situation, I do not know why the Government of India is so very solicitous, so very anxious for bringing this Bill on the Statute-book permanently to safeguard their interests.

THE HONOURABLE THE PRESIDENT: I will thank the Honourable Member not to repeat his arguments.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I will leave that point. There is another important question. Is this legislation to be the precursor of the Government of India Act which

pretends to confer liberty and responsibility upon those who would like to work it later on? It is, as my friend has just said, an irony of fate that whenever a reform was introduced in this country one or other Act of the kind which was so bitterly opposed by our countrymen was brought on to the Statute-book. The Press Act of 1910 was the first measure that was brought on to the Statute-book after the introduction of the Minto-Morley reform, and it was resented by our leaders, including you, Sir. When another reform was introduced, I mean the Montagu-Chelmsford Reform, it was also preceded by a very notorious Act, called the Rowlatt Act and the whole country was vehemently agitating on its passage. We are going to have a new constitution and another notorious Act, called the Criminal Law Amendment Act, is going to be brought permanently on the Statute-book. So, Sir, it is a strange coincidence that with the introduction of reforms in this country such Acts are invariably brought on the Statute-book.

Now, Sir, three important reasons, besides the existence of the civil disobedience movement, have been given by my Honourable friend, and I should like to deal with each of them separately as my friend Sir Phiroze Sethna has done in his own light. Sir, I entirely agree with him and I hope every Member of this House will agree on the point that we detest terrorism and would like to see it buried as soon as possible. I acknowledge that the movement is existing mostly in Bengal and to a certain extent in the Punjab but the other provinces are more or less free and I do not know why this Act is going to be an all-India Act, and why the members of other provinces who have behaved like good boys are going to be punished for the acts of people in other parts of the country? We, Sir, all know that a special Act called the Bengal Criminal Law Amendment Act was brought on to the Statute-book and I find it contains still severer sections than the sections existing in this Bill. With the existence of those sections and the ordinary law of the country, such as the Criminal Law Amendment Act and the Indian Penal Code, I do not think there is any necessity for bringing this legislation on to the Statute-book and especially for the majority of the provinces which have behaved like good boys.

Then, Sir, so far as the existence of the terrorists and anarchists movements are concerned, I must submit to this House that the Press has not much to do with it and by curtailing the liberty of the Press, the Government has not been able to check the movement nor, I must say, will it be able to do so at any time. They do not take their lesson from the newspapers. What is required, Sir, is to find out the root causes of the terrorist and anarchist movements and unless you remove those causes I regret to submit that it is very difficult to remove the movement as a whole. These press laws will never be able to suppress the movement. What is required is to find out the root causes as I say. The causes are economical. We know that there is unemployment in the country. It is for the Government to develop the industries of the country and find employment for them and I am sure if this were done the movement would die a natural death.

Sir, the important question for them is the difference between the "haves" and the "have-nots". It is the question of food that affects them and if that is provided the movement will die out. Then, Sir, another reason is communism. The reasons against communism are the same as those against terrorism and I

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

detest the one just as much as the other, but with this difference, that I realise that the communists take their lessons from countries outside India. The Press has nothing to do with the movement and I am glad my friend the Home Secretary in making his speech has accepted that communists' activities are secret and not known much. So, Sir, it is evident that my friend has accepted the view that the Press has not much to do with the communist movement and consequently this reason ought not to have been given for bringing the Act on to the Statute-book. If the Government is anxious to check the movement—as we all want to do—I submit it would be better to check the import of foreign books from which the young men of the country derive the ideas of communism. It is on account of the books of Bertrand Russell and H. G. Wells and other authors, the countrymen of my Honourable friend over there, that communist ideas are spread in this country, and if they are anxious to check them, as I hope they are, it would be better that such books should not be imported into India, or His Majesty's Government may move that such books should not be written in England. This would be a better way of checking the movement instead of muzzling the Press of the country.

Then, Sir, I come to the third reason given by my friend for bringing up this Act. And it is the existence of communalism in this country. Sir, I am ashamed to admit that communalism does exist in this country and of late it has taken a bad turn. But, Sir, who is responsible for this? I hope my friends on the Treasury benches will think in their calmer moments that they are mostly responsible for the communalism in the country. Sir, the communalism in this country is of two types. Intellectual and lower. So far as intellectual communalism is concerned I regret to submit that it is mostly due to the policy of the Government. They have given promises from the days of the Magna Charta to the present day that no distinction of race, creed or colour will be observed. But what do we find? If my friends will look at the Civil List, they will find that most of the important posts in every branch, whether it is the Indian Civil Service, Indian Medical Service, Forest, or any other, are held by non-Indians. May I ask, is this not communalism? May I ask, is it not sectarianism? May I ask, if our countrymen have no grievance in this respect?—whether they have no heart to feel it, in spite of the fact that they have proved their merit in examinations, they do not find good positions?

THE HONOURABLE SIR HENRY CRAIK: They find far more than they did in previous years.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Very few, Sir. May I ask, if this is not communalism? May I ask, how the people of this country will be contented? Will not the people of this country take lessons from these policies? So far as the major communities are concerned, what is the policy of the Government? It is, 'Divide and rule'. Their object is to put one community against the other. Sometimes they favour the Hindus, sometimes the Muhammadans, sometimes the Sikhs and sometimes the Parsees. They want that all these communities should not live harmoniously together and join hands. Sir, what is the meaning of communal electorates, reservation of seats in the services, communal award, etc? All this is meant to perpetuate the differences between the major communities in

India. As long as these things exist—and Government want that they should exist for ever—I am sure that these communities will not join hands and communal feelings will never disappear. So, Sir, Government are mainly responsible for the existence of intellectual communalism in the country.

Sir, I now come to the other form of communalism, the lower type, whereby riots occur here and there. This is also due to intellectual communalism. Had there not been this intellectual communalism for which the Government are responsible, there would not have been the lower type of communalism on account of which riots occur. Government are therefore responsible for this sort of communalism also.

I now come to another lame excuse given by my Honourable friend for putting the measure permanently on the Statute-book. He says that this is done for the sake of safeguarding the interests of the ministers in the future Constitution. Sir, I would request the Government to let the ministers of the future Government take care of themselves. If there is any sense of responsibility in the Provincial Legislatures, and if parliamentary practice is followed, the ministers will be chosen from the majority party in the Council and they will not go against the wishes of the country. They will take care of themselves and people will show them how to behave. Therefore, this measure is not required for them even before the constitution of the reformed Legislatures. My Honourable friend may put a very important question to me as to what I thought was the reason for Government bringing this measure forward? Sir, the real object of Government is to muzzle the Press. Government are going to give provincial autonomy to the provinces whereby most of the departments will be transferred. The Provincial Governments will be existing upon safeguards. The Governors will be ruling the provinces with safeguards. They will be subjected to public criticism in the Press. Government want the Press to be muzzled beforehand and to let the Governors have their own way with the safeguards without having to face any criticism from the public. That is the chief object of Government bringing this Bill,—to safeguard the interests of the Governors and the services from public criticism.

Sir, this Bill is a mixture of several measures. One who reads the Bill without consulting the other measures will find himself in the dark. He will not be able to know what is the sense of this Bill, if he does not read the Criminal Law Amendment Act of 1932, the Press Act and so many other Acts. I do not know why, when this Bill was drafted, a definite and clear way was not chalked out, and each measure was put in a separate Bill. This shows lack of draftsmanship in the department of the Government.

The underlying principle of this Bill is whether India should be governed by the Executive or by the Judiciary, whether by the rule of order or the rule of law. The principle underlying this Bill is that henceforth India will be governed mostly by the Executive and not by the Judiciary, and that there will be a rule of order and not a rule of law.

I would now, with your permission, Sir, like to examine whether the views I have expressed are in agreement with the views of our learned leaders of the country, leaders who are known to have had very moderate opinions not only amongst us but also amongst the Government too. I will examine their views

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

expressed when the Press Act of 1910 was placed on the Statute-book. I will first read two or three sentences from the speech delivered by our revered leader, Mr. Gokhale. Sir, when this Bill was being debated in the old Imperial Legislative Council in 1910, Mr. Gokhale said :

“ My Lord, ”

this was at a time when the Imperial Legislative Council used to be presided over by His Excellency the Governor General, and it required courage to place these views before His Excellency when he was presiding. He addressed the Council in this way :

“ My Lord, it is a cruel irony of fate that the first important measure that comes before the reformed Council is a measure to curtail a great and deeply cherished privilege which the country has enjoyed, with two brief interruptions, for three-quarters of a century. But while the plans of statesmen have matured slowly, events designed by malignant fates to frustrate their purpose have moved faster. And thus we find that just when the scheme of reforms has materialised, the sky is dark with clouds which probably will roll away before long, but which for the time wear a threatening aspect ”.

Then he went on to describe the situation as very serious. At that time political murders and dacoities were being committed. After this he referred to the Press in the country in these fine words :

“ My Lord, I am not one of those who think that any appreciable section of the Indian Press has always been seditious or that the Press in India has, on the whole, done more mischief than good. On the contrary, our Press has been in the main a potent instrument of progress ; it has quickened our national consciousness ; it has spread in the country ideas of justice and equality not only between man and man but also between class and class ; it has stimulated our public spirit ”.

After this he gave the following advice to the Government :

“ My Lord, I feel bound to say that this Bill by itself cannot achieve much. It is even possible that the immediate effect of its passing will be to fill the public mind with a certain amount of resentment. And unless the powers conferred by it are used with the utmost care and caution, the evil which they are intended to combat may only be driven underground. Force may afford temporary relief, but it never can prove a permanent remedy to such a state of things as we have in this country. It is only in the co-operation of all classes and the steady pursuit of a policy of wise conciliation on the part of Government that the best hopes of thoughtful men on both sides for the future of this land must lie ”.

So, Sir, he was of the same view as I have expressed here this morning. What is required is to adopt a conciliatory policy and find out the root cause of this terrorist movement if you want to check it. Now, with your permission, Sir, I want to place your own views before this House. In going through these proceedings I found you were the strongest opponent of the Press Act at that time, and therefore it is but meet and proper for us to take the lead from the President of this House. Referring to the Press you said, Sir :

“ They are wholeheartedly with Government in their efforts at the maintenance of these. (Law and order.) But unfortunately they do not see eye to eye with Government as regards the *modus operandi* and they regard the Bill under discussion as likely to defeat its own object, by rousing the suspicions of the people, by alienating their sympathies, and by giving a handle to seditionists for secret vilification of the Government ”.

So, Sir, you said that if you muzzle the Press the result will be that secret activity will increase.

THE HONOURABLE THE PRESIDENT : . But in 25 years time I have become wiser by experience. I may also refer the Honourable Member to my speech in this House in 1932. (Applause.)

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : But those views were expressed at a time when you were perhaps of the same age that we are now. Therefore we are not at fault in following your views. Further on you said—

THE HONOURABLE MR. D. G. MITCHELL (Leader of the House): Honourable Sir, I suggest that we should not bring up pronouncements made 25 years ago by one who is now in the Chair, occupying a position of detachment from all politics.

THE HONOURABLE THE PRESIDENT : Of course, strictly speaking, it is not proper to refer to utterances made by me years ago, though the practice of this House has been not to interfere as far as possible. But I think the Honourable Member would be showing good taste if he does refrain from making these references.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, I am prepared to abide by your wishes and not read these quotations, but I must submit that the Bill in a sense is the same as that of 1910 so far as the Press is concerned, and I do not see any reason why views expressed on the Bill at that time should not be placed before Honourable Members of this House to enable them to realise the views of eminent countrymen of theirs on a similar measure and so to vote accordingly on this Bill. In regard to what I have said about the Press not being responsible for sedition and anarchy, you were pleased to express the same views on that point. You said :

“ My Lord, in my humble — ”

THE HONOURABLE MR. D. G. MITCHELL : Sir, I think the Honourable Member has made it sufficiently clear what your views were 25 years ago ; but I think these references are not relevant and not in good taste. I would ask the Honourable Member kindly to refrain from quoting the remarks of the Chair made so long ago.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Sir, if that is your ruling I will refrain from quoting.

THE HONOURABLE THE PRESIDENT : You are entitled to use my arguments without mentioning my name.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : And what about the quotations of others ?

THE HONOURABLE THE PRESIDENT : You can quote others if their views are of any value after 25 years have elapsed.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Very well, Sir ; I will leave the quotations from your speech by saying this much that you also said that the Press was not responsible for checking this movement and you gave the same advice to the Government before bringing your remarks to a close. Now, Sir, I would have quoted the views of Bhupendra Nath Basu and my revered

1 P.M.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

leader Pandit Madan Mohan Malaviya, but I find that the Treasury benches are not favourably inclined to hear the views of my countrymen. I think they would like better to hear the views of their own countrymen; and they may be more appealable to them. Sir Charles Metcalfe known as the liberator of the Press in India in reply to a deputation 100 years ago said this—and the same thing exists today and his remarks are applicable even at the present day. Sir, he said :

“It rests with them to show that the communication of knowledge is a curse and not a benefit and that the essence of good government is to cover the land with darkness; for otherwise it must be admitted to be one of the most imperative duties of a Government to confer the incalculable blessing of knowledge on the people, and by what means can this be done more effectively than by the unrestrained liberty of publication and by the stimulus which it gives to the powers of the mind? If their argument be true, the spread of knowledge may eventually be fatal to our rule in India, I close with them on that point, and maintain that whatever may be the consequence it is our duty to communicate the benefits of knowledge. If India could only be preserved as a part of the British Empire by keeping its inhabitants in a state of ignorance, our domination would be a curse to the country and ought to cease.”

These were the strongest views expressed by Sir Charles Metcalfe at that time, that the Press should have absolute liberty. It is instrumental in the diffusion of knowledge in the country. Then when the Vernacular Press Act was before the House of Commons in 1878, this is what Mr. Gladstone said about the liberty of the Press.

THE HONOURABLE THE PRESIDENT : This is all ancient literature.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : That does not mean, Sir, it has no value. I think the wisdom of the ancient people is always to be taken into consideration.

Sir, he said :

“The Bill raises a political question of great importance, of the utmost delicacy, namely, whether it is wise for the Government to take into its own hands and out of the hands of the established legal jurisdiction the power of determining what writing is seditious and what is not.”

In the course of the same debate Mr. Gladstone observed that

“the most unfortunate feature which the measure presents is the removal of Press prosecutions from the jurisdiction of the judicial establishments of the country in order that they may be dealt with as matters of executive discretion.”

By this Act you are taking the powers from the Judiciary and giving a free hand to the Executive. The Executive should always be under the Judiciary in this matter.

THE HONOURABLE THE PRESIDENT : The Honourable Member knows that there are many speakers to follow him and if speeches of this duration are made I am afraid I will have to go in for a night sitting.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : We are prepared to co-operate with you in every respect and if there are night sittings we are prepared to sit for the whole night; but this is a measure of great importance and there is no time-limit. It is absolutely in our competence to place our views before the Government.

THE HONOURABLE THE PRESIDENT : I did not say that I wanted to stop you from speaking, but you might save the Council some measure of infliction by quoting speeches made about 25 or 30 years ago which do not apply to present conditions.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Very well, Sir. May I have your permission to quote from the recent Conference of the Editors of Newspapers held in Calcutta about two months ago. The proceedings of the Conference are public property and I want to quote from it.

THE HONOURABLE THE PRESIDENT : Yes, you can quote from the proceedings of the Conference.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : This is what one of the best and most moderate editors in our country, Mr. Ramananda Chatterjee, said so far as this Press Act is concerned. He described this law in very beautiful language. He said :

“Friends, I wish to remind you that though capital punishment has either been removed from the Statute-book or fallen into abeyance in very many civilised countries, it not only exists in India but may be has been indicted on newspapers without any trial, without a trial by even a court-martial. Securities are demanded again and again and finally there may come the extinction of the paper concerned and even the confiscation of its press. It is often a long drawn affair, which ordinary executions are not. I have no doubt this subject of capital punishment by instalments inflicted on newspapers will receive your attention.”

So, Sir, my friend Mr. Ramananda Chatterjee, who is known to possess most moderate views has described this Press Act as murder of the Press in India by slow degrees, if not by immediate action. Now, I find that these quotations are distasteful to my Honourable friends on the Treasury benches, I shall therefore not quote but give facts and figures about the rise and fall of presses, newspapers and books whenever this Act is brought on the Statute-book. My friend the Home Secretary has given his own figures and I am giving my own figures. I have no doubt taken those figures from the speeches delivered in the other House the other day. But they were not challenged by my friend the Honourable the Home Member as so many other statements were challenged then and there. Therefore I took them to be correct. Sir, what was the condition of the Press in 1911—1920 when the Press Act was enacted in 1910? The rise in the number of presses was from 2,780 to 3,371, that is an increase of about 600 in ten years. The Act was repealed in 1921-22 and what was the result? In the period from 1921—1931 the number of presses rose from 3,371 to 6,520, that is an increase of about 3,200. So, Sir, we find that this Act goes against the development of the Press in our country.

Then, Sir, so far as newspapers are concerned, let us find out what was the position? In 1911 the number of newspapers was 2,924 as against 3,091 in 1920. Thus the total increase in this period while the Press Act was in existence was only about 169 newspapers. But when this Act was repealed in 1921-22 the figure at once jumped in another decade, that is from 1921—1931, the number went to 4,500, an increase of about 1,500 newspapers. This shows, Sir, that this Act is always a deterrent on the progress and diffusion of newspapers.

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

Now, Sir, this Act also works on the increase of books and literature. What was the position in 1911-12? The number of books was 11,584.

THE HONOURABLE SIR HENRY CRAIK: Where do these figures come from?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am quoting these figures as they were quoted in the speeches in the Legislative Assembly.

THE HONOURABLE SIR HENRY CRAIK: What is the authority?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: These figures have been taken from the speech of Pandit Govind Ballabh Pant and you, Sir, who challenged so many points did not challenge them.

THE HONOURABLE SIR HENRY CRAIK: Yes, I did.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I have got the speech here, Sir. I am prepared to show it to the Honourable the Home Member that he did not challenge these figures, which means that he accepted them. In 1911-12 the number of books was 11,584 and in 1919-20 it was 11,110, which means that there was a reduction or shrinkage during this period of 500 books. Perhaps they were proscribed under the operation of this Act. But when this Act was repealed in 1921, in the next decade the number went up from 11,110 to 17,427, an increase of more than 6,000. So, Sir, by looking at these figures we come to the conclusion that the Press Act works as a deterrent against the increase of the Press, increase in the number of newspapers and increase in the number of books. So it acts as a deterrent on the diffusion of knowledge in this country and if this Bill is to be brought permanently on the Statute-book I do not know, Sir, what will be the result in the future.

THE HONOURABLE THE PRESIDENT: The increase might have been due to many other causes. It does not follow that it was due to the repeal of the Act.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir, it might be due to other causes but the increase was effected during this period and the decrease was effected in the period when this Bill—

THE HONOURABLE MR. T. SLOAN: May I ask the Honourable Member what about the three years before the introduction of the Press Ordinance of 1930 and the three years after the introduction of the Ordinance? I have given figures which show absolutely that the increase in newspapers was larger while the Press Act was in force than before.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Well, my Honourable friend has got the whole Secretariat behind him and he can collect facts and figures whenever he likes. For us, the non-official Members, it is a very difficult task.

THE HONOURABLE MR. T. SLOAN: I have given the Honourable Member the figures.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: But they do not relate to the years with which I am dealing. My Honourable friend has circulated a pamphlet containing quotations from newspapers. But those quotations are mostly from Bengal and Punjab papers, and for three years only, the years which were probably the most favourable from the Government point of view.

THE HONOURABLE SIR HENRY CRAIK: If the Honourable Member wants more quotations, I can tell him that I have a collection of 429 printed foolscap pages of press cuttings, from every province in India and covering more than three years.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, if the Government was pleased to supply these facts and figures it was but right and proper that they should have supplied them for all the years and not only for three years. The natural conclusion to which we are driven is that they have selected the years in which the facts and figures were in their favour. If my Honourable friend had supplied the figures for all the years we would have been in a better position to judge and lay our views before the House.

Sir, there is another important question in regard to this Bill, and that is whether the existing Acts are sufficient for meeting the situation or not. Sir, if my Honourable friend will look at the sections to which I am referring, he will see that the existing Acts are quite sufficient to cope with the situation and there was absolutely no necessity for bringing this Bill before the House. I will not tire the House by reading all these sections from the Criminal Procedure Code and the Indian Penal Code but, Sir, I will only give the numbers of these sections and request the Honourable Members to read them and then come to a conclusion whether they are quite sufficient to meet the situation or not. So far as the Criminal Procedure Code is concerned, I will invite the attention of Honourable Members to sections 108, 131, 124A and 153A. If Honourable Members will read those sections, I am perfectly sure they will be convinced that these sections give sufficient power to meet the situation and that the Bill is not a necessity but a luxury to safeguard the interests of the officials. They may also read the following sections in the Indian Penal Code, and they will find that they also are quite sufficient to cope with the situation. I refer to sections 141, 349, 350, 351, 352, 120A, 43, 503 and 505. If Honourable Members read these sections of the Criminal Procedure Code and the Indian Penal Code they will be convinced that Government have got ample powers to cope with any situation that may arise owing to the activities of the civil disobedience movement, the terrorist movement, the communist movement, or communalism, as they call it in this country. I will also invite attention to the existence of the Newspapers (Incitement to Offences) Act, 1908, and this is quite sufficient to deal with newspapers. Why do the Government not use that Act? There is another Act, the Explosive Substances Act of 1908. There is a lot of material in that Act so far as the anarchist movement is concerned.

I will now bring my remarks to a close. The object of the Government in bringing forward this measure is to muzzle the Press, so that they may be

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

able to do whatever they like without having to meet public criticism. This Bill is quite unsatisfactory. I regret to submit that it is an insult to the intelligence of this House and the people of this country. I therefore oppose the Motion for consideration.

THE HONOURABLE THE PRESIDENT: I will now adjourn the House till 3 P.M. but I warn Honourable Members that I will probably be occupying the Chair till 6-30 or 7 P.M. this evening.

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 MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, it is an irony of fate that within the course of six months this House is asked to flog another dead horse in the shape of the recommended Criminal Law Amendment Bill and is asked once more to help in the performance of the last rites before being carried to the burial ground for finding a permanent resting place on the permanent Statute-book of the country. Sir, I take part in this debate not with any motive of criticising the different provisions in this Bill as I know that this House is, under the present Constitution, debarred from the right of amending or altering the Bill in any way. I, therefore, think, Sir, that instead of having a mockery of a debate on a recommended Bill in this House it would have been better if this House had been spared the trouble of being the pall-bearers of such dead Bills. Sir, the very fact that Government demands the permanency of the emergency measure passed in 1932 for meeting certain emergencies which arose in the past, conclusively proves that either the Criminal Law Amendment Bill passed in 1932 has altogether failed to achieve the object for which it was designed or the Act of 1932 has only partially achieved in suppressing the civil disobedience movement and other cognate movements. If the Bill has failed to achieve its object during the last three years and has failed to suppress those subversive movements then it was up to Government to admit of their failure. It appears that the present Executive is afraid of such an admission as in that case the enactment of 1932 has no right to find a place in the Statute-book. If, on the other hand, the law in force now has only partially achieved its object then, Sir, it was up to Government to ask for the extension of the life of the law by another few years. Had they done so I think the Opposition in the other House and this House would have agreed to pass the measure and this method of certification would not have been necessary. But, Sir, it is only in the Constitution of India that the Executive has been given the unrestricted power of over-riding the wishes of the Legislatures, as the Executive branch of the administration of this country is mainly manned by Europeans who are guided only with the safeguarding of their own interests and not with the interest of the State. Here I make bold to say that if in any other country the Executive would have dared to over-ride twice within six months the decisions of the Legislatures there would have been revolutions instead of civil disobedience movements. Government is demanding the permanency

of the measure for the alleged suppression of three things. The first and foremost argument of Government in favour of the present measure is the suppression of terrorism. Sir, there are very few in this House and outside who will not desire to see this movement altogether stopped. It is unfortunately a disease which has affected most my unfortunate province and to a certain extent the disease has also spread into the Punjab as well. Admitting that to be so, it is for the Government of those provinces to deal with those diseases and I am glad to inform the House that His Excellency the Governor of Bengal has been able to diagnose the disease properly and correctly and is administering remedies by taking various constructive methods which I am confident will in a very short time be able to cure the province permanently of that fell disease of terrorism. Sir, in the same way it is the duty of the Government of the Punjab to take remedial measures against the disease of terrorism. But even then may I ask as to what right have we, in the Central Legislature, to thrust a piece of legislation for combating an evil which is not in existence in other provinces excepting those two. If there is any pain in any part of the body, a good doctor at times prescribes the application of a piece of blister on that particular part of the body. No doctor worth the name excepting a quack ever suggests the blistering of the whole body for curing the pain felt in a limb of the body or in any particular part of it. Here, Sir, to combat the localised disease of terrorism, local remedies are required and, as I said before, thanks are due to His Excellency the Governor of Bengal for finding out various remedies, both pungent and palliative, to cure that local disease. But to cure that local disease in the Punjab and Bengal, the Government of India is suggesting the blistering of the whole of India, by the enactment of this caustic measure, which appears to be nothing but a quack remedy of a quack doctor! The next object of the Government of India is to combat the civil disobedience movement and picketing. Sir, here I think I will be well within bounds if I discuss as to what is really civil disobedience. It is the disobeying of laws which people of India think have been thrust on them by a foreign Executive. That being the ideal of the civil disobedience movement the passing of the present measure in the teeth of the public opposition will, I venture to think, be another weapon and a very good weapon in the hands of the civil resisters. The passing of such measures I believe practically helps the civil disobedience movement rather than checks it. Last but not the least important argument of Government is the suppression of the Press. Sir, in the whole of India the Government of India finds only the European Press and the European news agencies to be friendly with them. Is there any Government in the world where the Executive finds only the foreign Press to be friendly with them and the whole of the national Press against them. I think India is the only solitary country where the Indian Government is not friendly with the Indian Press but only hobnobs with the English Press. Sir, the passing of such legislation will only help in the antagonism between the Government and the national Press which is far from desirable. Friendship can never be cemented by means of coercion. The Press clauses are nothing but coercive measures meant for ruthlessly checking the development of Indian journals and journalism. In every independent country the Press is one of the best engines for the political advancement of the country but India being a dependency must be deprived of her right of developing the Press and journalism.

[Mr. Jagadish Chandra Banerjee.]

In a nutshell I must say that the Bill could have been improved by the amendments of clauses and by extending the life of the Bill an insult to the period of a few years but as Government was determined not to have therefore amendments even by way of a change in the punctuation in the Bill the Opp. by a no other alternative but to oppose the Bill both on its merits as well as against the method of recommendation and certification adopted in getting law after law passed against public opinion and sentiment.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Mr. President, you have given us very salutary advice. You have asked us to discuss this Bill in a reasonable temper. I can assure you, Sir, that whatever my feelings may be, and I do not conceal from you that they are very strong, I shall try to discuss this Bill in a reasonable temper. The Honourable Mr. Sloan said that he hoped the Council would discuss it without heat and rancour. I can assure him that in my philosophy there is no place for rancour, and as for heat, our complaint is that the Government is very cold and we are suffering from cold in Simla. Sir, Mr. Sloan has asked us to discuss this Bill with a full sense of responsibility and he has laid the blame fairly and squarely upon the other House for rejecting the measure and therefore forcing the Government to certify the Bill in its present form. Sir, the question that I shall consider is, is the action of the Government in all the circumstances such as would justify this House in supporting the Government? The Executive in this country is an irremovable one; this irremovable Executive is responsible to the Parliament of another country for the discharge of certain elementary and primary responsibilities. Now, Sir, in a Constitution like this the power of certification has been given to the Executive, so that the Legislature may not be able to cripple it by depriving it of legislation which it considers essential for the discharge of its primary responsibilities. I recognise that the Executive alone can in these circumstances be the judge of whether a particular measure is or is not necessary for the discharge of their responsibility. But, Sir, while recognising this, I make a distinction between the letter of the law and the spirit of the law and I would urge that the use of certification on the present occasion is against the spirit of the Constitution. The power of certification, Sir, is in the nature of an emergency power to be used for essential purposes in an emergency for a limited period. Now, Sir, it could never have been the intention of the framers of the Act, it could never have been the intention certainly of Mr. Montagu, the principal author of this Constitution, that this power should be used to place on the Statute-book a permanent measure of extraordinary severity. No Executive can need legislation of this character permanently; the power of certification, if it is to be used at all, should be used only for temporary and emergent purposes. What is the definition of emergency? I was looking up the dictionary and I find that "emergency" is defined as "a sudden condition calling for immediate action". Now, Sir, Lord Chelmsford said in inaugurating the New Constitution that the principle of "autocracy" had been abandoned and what do we find 15 years after this Constitution has been in operation? We find that the spirit of autocracy is very much alive and that behind all constitutional forms we still have the undiluted autocracy of the Executive in this country. We also

find that the Government of India has not been slow to take lessons from countries which have ceased to pay homage to the democratic principle. Sir, only a great emergency could have justified, if at all, a measure of this character, but here the emergency is a permanent one. Government cannot visualise a time when this emergency will disappear. It is, I say, Sir, a sorry confession for any Government to make, for what does this confession really come to? It comes to this that Government feel that hereafter in spite of the much vaunted reforms they can only govern by measures of extraordinary severity like this Bill. Assume for a moment that the Assembly was wrong in rejecting the Bill at the Consideration stage. I personally think that it was perfectly right in rejecting it at the Consideration stage. But I shall assume for the sake of argument that the Assembly was wrong in rejecting it at the Consideration stage. Was it necessary for Government to have introduced this Bill, the identical measure, and not listen to the more moderate criticism of their more friendly critics? I am emphasising this aspect of the matter as the House is a revising Chamber and the question before the House really is whether in view of the procedure that Government have adopted, whether in view of all the circumstances of the case, the House should support the Government and revise what the other Chamber has done? The House is entitled to ask, has any response been shown by Government to the popular views as voiced by the more moderate critics of the Government in the other House? In a struggle between the Government and the other House in a Constitution like ours we ought not to support Government until we feel convinced that Government has shown a spirit of reasonableness, until we feel convinced that Government has shown a spirit of responsiveness, towards at any rate the more moderate critics in the other place. Sir, if we think as I do that the Bill goes much beyond the necessities of the situation, if we think as I do that an outrageous measure of this character ought at all events not to have been placed permanently on the Statute-book of the land, then I say we ought not on a supreme occasion like this hesitate to assert ourselves and that indeed we ought to record a decisive vote against Government on this matter.

Sir, I will now come to the clauses of the Bill itself. The Bill is admittedly of extreme severity. I have, in reading through the Bill, tried to discover a principle behind the Bill. Sir, what are the principles behind this measure? The principles behind the measure are restriction of freedom of the individual in certain essential matters and substitution of executive discretion for the rule of law as a permanent feature of our jurisprudence. Now, Sir, I do not want to harp on elementary propositions. But I will say this that these principles are a direct negation of all that we have been taught to admire in British institutions by our British masters. If I was asked what was the greatest contribution that Britain had made to the political organisation of the world, I would say that it was this conception of the rule of law. Things have come to such a pass in this country that you feel that you can only govern it by going back upon all your principles and as one who admires British institutions I am not going to help you to do that. Sir, let me examine this measure for one moment. What are the powers that it gives? Clause 5 makes it a penal offence to publish or re-publish proscribed literature. Now, Sir, the original order was an executive order; it may itself have been wrong. Two wrongs do not make a right, and while on this question of proscribed literature, may I

[Mr. P. N. Sapru.]

say, Sir, that Government has not in all cases exercised its powers wisely and discreetly. I find, Sir, that some very great literature has been proscribed. I will refer, Sir, to three books, books with which I fundamentally differ, but books which I think every intelligent man ought to read with intelligence and care. The first is Trotsky's *History of the Russian Revolution*. It is proscribed. Ralph Fox's *Lenini* is a proscribed book; and so is Strachey's *Coming Struggle for Power* a proscribed book. These books are not likely to be read by unintelligent men, but by intelligent men who have given thought to these grave questions of economic reconstruction. These books can only be read by men with a university education. It is an insult to my intelligence to be told that if I read Trotsky's *History of the Russian Revolution*, that if I read a book by one of the principal actors in the Russian drama, I shall be converted to his point of view and I shall not have sense enough to distinguish between what is right and what is wrong. Sir, that is how the power of proscribing books has been used. It has been used to stifle thought, to stifle the free expression of public opinion on these matters, to make it impossible for those who want to keep themselves in touch with modern thought to do so.

THE HONOURABLE THE PRESIDENT: What effect would it have on men of lesser intelligence?

THE HONOURABLE MR. P. N. SAPRU: Sir, men of lesser intelligence are not likely to read these books. The only people who are likely to interest themselves in these books are students of political philosophy. I have been a teacher of political philosophy myself and I can assure my Honourable friend, Sir Henry Craik, that he will find that our students can discuss very intelligently these problems of communism, fascism, liberalism and conservatism, and he will find in a university debating society very intelligent criticism of communistic philosophy, and they are able to make this intelligent criticism of communistic philosophy because they have read some communistic and socialistic literature. If you want to proscribe all such books, you will have to proscribe the works of men who have occupied positions as Members of His Majesty's Government, such as the writings of Sir Stafford Cripps. You will have to proscribe the books of Professor Laski, Bertrand Russell and others, which are very nearly communistic, though not wholly so. Where are you going to stop? If you want to deal with communism in this stringent manner, you will have to shut up your universities. You will have to deport your teachers of philosophy, your teachers of economics, your teachers of politics, your teachers of history. You will then have peace, but it will be the peace of the grave. That is not the way in which you will be able to deal with communism. I do not accept the communistic philosophy. I think it is fundamentally wrong as a philosophy. But I do say that the communist has a right to express his own opinions so long as he does not commit any overt act. I will revert, Sir, to the question of communism a little later.

THE HONOURABLE SIR HENRY CRAIK: May I point out to the Honourable Member that the proscription of such books is not done under this Bill?

THE HONOURABLE MR. P. N. SAPRU: I know, Sir. I was pointing out that the original order of proscription may have been wrong and therefore it became necessary for me to comment on this power of proscription which you have under this Act of 1908. I am not a supporter of the other Act either.

I will now come, Sir, to clause 7 which deals with picketing. This clause would make what is called peaceful picketing a legal offence. Now, Sir, I am one of those who look upon peaceful picketing as a perfectly legitimate weapon of propaganda. Sir, I think it is one of the elementary rights a man should have. I should have the right of persuading, cajoling, and remonstrating with my fellow countrymen in regard to matters which I consider essential. The wording of the section is too wide, it would make many legitimate activities an offence. What will be the effect of this section? Sir, so far as violence or intimidation is concerned, that of course can be dealt with under the ordinary law. What you want really to do is to make picketing cognisable. Well, really the right to complain against assault, the right to complain against annoyance, is in the nature of a personal right and it is regarded as a personal right for very good reasons. You want to convert this personal right to complaint into a criminal offence cognisable by the police. What will be the position under the section? I may have very good reasons for not proceeding against, say, a lady who is loitering about my shop. She may be my sister; she may be my daughter, she may be a friend's wife? And yet because that lady is loitering near my shop, some policeman—and we have got not over-scrupulous policemen in this country—can arrest her, and if I am a truthful man I will have to depose against some very near and dear relation of mine. And what will be the result in my case? You will make my position with my people, with my friends and relations, with the society in which I live more difficult. Very difficult indeed. You say that this right is necessary in order that business men might be protected. May I ask, Sir, whether the Government has received any representations from Indian Chambers of Commerce in regard to this matter? May I ask, Sir, whether business men really like this change in the law? After all, if some ladies are proceeded against for loitering about shops business men of the locality might find their own business affected. Sir, you say that this right is necessary because that is the form which civil disobedience will take in future. No, Sir, civil resisters welcome arrest. They want to be arrested. How are you going to deal by this clause with civil disobedience? You are simply giving them an opportunity to be arrested. They have raised suffering to the level of a religion. That is my chief difference with them. I do not believe that you can lift suffering to the level of a religion as they do. Then, Sir, I say this power can be used against honest labour disputes. The right to refuse work if conditions are unsatisfactory is a right which organised labour has won after a great deal of struggle and it will make the work of the honest trade unions very difficult. In a strike, it may be necessary for the strikers to place certain pickets and a Government of vested interests—and such Governments are quite possible under the New Constitution—a Government of vested interests might well lose its head and use this power to suppress legitimate trade union activity. Sir, I think it is a very dangerous change in the law and so far as I am concerned my difference in this matter is of a very fundamental character.

[Mr. P. N. Saprū.]

Then, Sir, I shall go on to consider the provisions in regard to unlawful associations. Now, Sir, the order declaring an association to be unlawful will be an executive order and it will not be open to the association to go to any court and show that it is not in fact an unlawful association, that its activities are not in fact unlawful. I might point out that Government have not limited this power of declaring associations unlawful to violent associations only. It will be possible for you to attack under this law what you call seditious organisations and what some of us would call patriotic organisations. Now, Sir, you go further and what you do is you confiscate the properties of these organisations. You take charge of the moneys of these organisations and the organisation affected cannot go to a court of law and say: "Well, this order is wrong. We are not really an unlawful organisation". Of course, if the money is confiscated what the organisation can do is to show that the money did not belong to the organisation. There you are protecting the rights of a third party and not the rights of the organisation itself. Well, we talk, Sir, of the sacred rights of property. We accuse Russian communists and German Nazis of attacking private property. Here, a mighty Government confiscates the property of its subjects, and these subjects, who pay allegiance to that Government, who have not been declared by any court of law not to pay allegiance to that Government, they have no opportunity to show that the order declaring them unlawful is wrong. It is a monstrous proposition which I am not prepared to accept for a moment. I therefore cannot accept this clause.

I then come to the provisions in regard to the Press. The Indian Press has been attacked very often, sometimes unreasonably, sometimes reasonably, for misbehaviour. I am not here to defend the dirty press. But what are the powers that you give? Here again, your sections are worded in very wide terms. You can demand a security against the Press for almost anything in the world, for anything which tends directly or indirectly to do the things mentioned in your clauses (a), (b), (c), (d), (e), (f), (g), (h) and (i) of section 4 of the Indian Press (Emergency Powers) Act, 1931. And what is the interpretation that Judges have placed on this right of appeal given to the Press to go to the High Court? High Courts, Sir,—I am referring to the judgments of Sir Lawrence Jenkins and Sir Abdur Rahim,—High Courts think that almost anything in the world can come under this law. Any attempt to bring into hatred or contempt, directly or indirectly, the Government established by law in British India will come under this clause. What will be the Government established by law in British India hereafter? It will be—at any rate this is what you tell us—a responsible Government in the provinces and a semi or quasi-responsible Government at the centre. Under a system of responsible Government we have the Opposition and we have the Government, and the Opposition cannot have much love for the Government. It will be the business of the Opposition to discredit the Government established by law in British India. It will be the business of the Opposition to promote disaffection against Government. It cannot certainly have affection for the Government and one learned judge defines sedition as want of affection. The opposition press will be at the mercy of those with whom they differ fundamentally. In England, the law of sedition is different. There you have got to prove an overt act before you can get a conviction for sedition. That is not the position

under this section. Therefore, Sir, the position is that you have placed an enormous and intolerable burden—an almost impossible burden—upon the Press affected. The man who is affected by this order will have to show the impossible. He will have to show that directly or indirectly his words could never have meant what the Government say they do mean. The appeal is therefore illusory, and I would therefore say that what you really want to do is to control the Press. What you want to do is to muzzle the Press, and that is really the object of this measure before the House. Sir, the Indian Press has rendered great services to this country. The Indian Press can be proud of its record. It is a press which has produced persons of the type of Surendra Nath Banerjee, Motilal Ghose, Kristodas Pal, G. Subramania Aiyar, Rangaswamy Ayyangar, Mohamed Ali, and many other eminent journalists. There are among living journalists my distinguished leader, C. Y. Chintamani, K. Natarajan, Kalinath Roy and S. A. Brelvi. I think a word is necessary on an occasion like this in praise of the Indian Press. But I will submit that it is possible for an autocracy to control a Press. It is possible for a bureaucracy to control a Press. But under a system of responsible Government, a free Press is essential. You cannot have a liberal democracy and a controlled Press, for, after all, you must give a chance to the Opposition parties to educate public opinion, to influence public opinion, in their favour. That is the meaning of liberal democracy and that is the difference between a Totalitarian State and liberal democracy. In a liberal democracy you must have what Professor Barker would call a free competition of ideas. Impartial administration of a law like this in a system of responsible government would be well nigh impossible. You say that the reasonable Press need have no fear under this law and that you have been using your powers very discreetly, that the Indian Press has been abusing its powers, that your experience is that whenever you do away with the Press Act, violent and seditious writings become more frequent. We have been supplied with some selections from "Press comments in connection with Press legislation". I have been through all these pages—I think they cover about 25 pages—and I find that the writings you object to are from papers published in Bengal and the Punjab. So far as my province is concerned, I do not find a single quotation from any newspaper in my province. I think, Sir, I am entitled to claim that my province at any rate has a clean record in the matter of the Press. Why should you penalise the Press of a whole country for the faults of my Bengal and Punjab friends? Sir, Bengal and the Punjab have their peculiar problems, and I see no reason why the rest of the country should be penalised for the faults of Bengal and the Punjab.

Then, Sir, so far as I can see—of course, I shall be corrected by the Honourable the Home Secretary if I am wrong—so far as I can see, these writings have not been pronounced to be seditious or violent by any court of law. I am quite prepared to recognise that some of these writings are quite indefensible—absolutely indefensible. I have got no good word to say about these writings, and particularly the writings which directly or indirectly encourage or incite violence. But, after all, it is a point that these writings have not been declared to be seditious or violent by any court of law, and I cannot substitute my judgment for the judgment of a court of law. You say that you need these laws because if the Press law is relaxed or modified, writings of this character will become more frequent. My answer to that is

[Mr. P. N. Saprú.]

that you have under the existing law ample powers to deal with seditious or violent writings. You have section 124A, which is very widely worded; you have section 153A which again is widely worded; you have section 108 of the Criminal Procedure Code, and I do not understand why action has not been taken in many cases under section 108 of the Criminal Procedure Code. You have, as pointed out by my Honourable friend, Mr. Mehrotra, the Newspapers (Incitement to Offences) Act. There are many other provisions of the penal law under which you can deal with these men. You say that you really want preventive powers. Well, how far are you going to extend this doctrine of preventive powers? In some parts of our province dacoities are becoming very very frequent; then why not invest your police superintendents and your infallible district magistrates with preventive powers? Why not let them act on the information of spies and informers in regard to these dacoities also? Sir, we cannot really go to the extent you want us to do. The doctrine of preventive powers is a dangerous doctrine. The subject has been given certain rights. Municipal courts exist in order to see that the subject gets redress for any grievance that he may have against the executive. We can not dispense with judicial procedure. Then it has been said that in spite of these press laws the number of newspapers in this country has increased. I should like to know the political complexion of those newspapers. No information has been supplied to us as to whether these newspapers which have so increased in recent years are of the loyalist kind or of the patriotic kind. I should also like to point out here that on account of the economic depression there is great unemployment among our young men, and some of these young men have started small presses and some people have helped them to do so in order that they might get suitable employment and be away from dangerous activities. Therefore it is no answer to say that the number of presses has increased. Sir, I should like the House to realise the difficulties of pressmen in this country. It is a very poor country. Rs. 250 may not mean much to my Honourable friend the Home Secretary, but they mean much to the men who start these newspapers and the forfeiture of security means much to them. And unemployment is growing among our young men. There are very few careers open to them, and if you make it difficult for them to join the profession of journalism you are really depriving them of an honourable career. We want a healthy and virile press under a system of responsible government, and soon hereafter we shall have responsible governments in the provinces. If you make it obligatory on these men to deposit securities, or if you reserve to yourself the right of demanding securities you may make it impossible or difficult for the more honourable type of journalist to join the journalistic profession. He will always have the Sword of Damocles hanging over him. Sir, it is no use your saying that these powers have not been misused. The tendency to misuse a power is always very great. We find that our High Courts have got certain summary powers under the contempt procedure and our experience has been that those summary powers have not always been used in all cases wisely. Human nature being what it is, once a man is invested with arbitrary power the tendency to use that arbitrary power in an arbitrary manner becomes irresistible. Then, as I say, you will prevent the reasonably honest man from entering the profession of journalism because they will always

feel that they will really have no redress. They may write something which they think all right but the district magistrate or the Local Government may take a different view. The journalist is absolutely at their mercy. Therefore they hesitate to join the journalistic profession. That fear works in the minds of our young men. I can tell you my own experience as an educationist. I was for a long time Secretary of the Students' Advisory Committee and many students used to come to me for advice as to what career to adopt. Well, some of them were brilliant and capable writers and I would say, "Why not join journalism?" But they would say, "It is a very risky profession. We might get into jail or have our security forfeited. We cannot join journalism". That is the mentality that you develop by these preventive provisions. And because, Sir, I think the development of this country depends upon the existence of a healthy and virile Press, I must strongly oppose the proposals in regard to the control of the Press. Those proposals admit of no compromise.

Sir, I come to the case for these measures as put forward by the Honourable the Home Secretary. What is the case he has put forward? He says that in this country we have to deal with four great dangers, civil disobedience, which is in abeyance at present but which may be revived any moment, terrorism, communism and communalism. I shall deal with all these dangers, and with the civil disobedience danger first. Congress has suspended civil disobedience and Congressmen say that the suspension is genuine; they are reverting to constitutional methods. Academically and theoretically it is true that Congress still stands committed to civil disobedience, but what does that really come to? There are dissenters in every country; there are passive resisters in every country; there are organised groups in every country who question the absolute sovereignty of the State, who reserve to themselves the right of voicing their dissent from laws which they regard as immoral by disobeying those laws and inviting upon themselves the consequences of that disobedience. Civil disobedience, as far as I have been able to understand it, is not comparable to the general strike of syndicalists. The idea behind civil disobedience is to invite suffering and by so doing to melt the hearts of your opponents. Repression is not the way to deal with men of this temper who have no objection to going to jail, who welcome jail. In any case I see no reason why if you follow a wise and generous policy there should be any civil disobedience in this country. In any case, I say you have ample powers under the present Constitution to deal with any emergency and you will have ample powers to deal with any emergency under the Constitution that will be functioning next year in this country. If Ministers fail, there will be the Governors and the Governor General who have ample powers under the New Constitution to deal with the civil disobedience movement. Why do you wish to provide yourself against a possible contingency? Is it because you want a further safeguard? Is it because you think that this is one new safeguard under which the New Constitution must function? If you will permit me to say so with all respect and in all humility, I think, Sir, the real reason for this Bill is that it is in the nature of a further safeguard.

I come to the next danger, terrorism. Now, Sir, I am one of those who believe and believe very earnestly and sincerely that human life is sacred. I would not hurt even a fly and I do not wish to say one word in extenuation

[Mr. P. N. Saprū.]

of murder. Murder, Sir, is murder, whatever the motive of the offender and I think the question of motive is entirely irrelevant; I do not wish to go into that question at all; but, Sir, we have had this terrorism for the last 27 years and I wish to ask myself, why is it in Bengal that we have terrorism. The duty of a statesman is to take a broad view of a problem; here is this problem, and we want to know this and I hope my Honourable friend the Home Secretary will consider it from this point of view. Is there any social responsibility for terrorism? Is society or is Government in any way responsible for this terrible cult of terrorism and if there is some social responsibility for terrorism is it not our duty to see that we wean away by measures of a constructive character the youth of our country from this terrible cult? Can we not wean these misguided youths, these perverted youths, away by a constructive policy of social and economic reconstruction from this terrible cult of terrorism? When I read the statement of Bina Das, I asked myself, How it was that a woman who might have made an admirable wife and a good mother came to end as a criminal? No thoughtful man could help asking himself the question, is there any social responsibility for the crime that she committed? While suppressing terrorism by all the legitimate means open to us, we ought also to try and find a permanent cure for it. We ought not to deal with terrorism by a mere policy of negation; we ought to have a more constructive policy, a policy which will provide employment to the youth of this country, a policy which will enable the youth of this country to see the vision of freedom in their lifetime. Sir, if you will follow a wise policy I assure you that you will have no terrorism in this country, for the terrorist cult is against the culture and civilisation of India. Sir, I hope the Honourable the Home Member will not misunderstand the spirit of my remarks—I am speaking as one who wants to co-operate with him if I can in getting this country rid of this terrible cult.

Then, Sir, we come to the question of communalism. Now, Sir, my Honourable friend the Home Secretary has not made out that the communal situation is worse than it was previously; he has asserted that it is worse than before; but he has not made that out. The only apple of discord between the communities is the Communal Award, but, Sir, so far as the Communal Award is concerned, the Act has been passed. Indian political parties are not going to ignore this Constitution, whatever their views in regard to the nature of this Constitution or the Communal Award might be; economic issues are coming to the forefront and in my own province, I find the President of the Hindu Mahasabha working in close co-operation with the President of the All-India Muslim Conference. I do not belong to their group. Sir, I say this to show that it is a welcome sign of the times that economic issues are coming to the forefront. Government has accused the Indian Press of encouraging communalism? I would ask, is the record of the Government in regard to communalism clean? I do not say that you have directly encouraged communalism. It will be a difficult statement to substantiate, though one of your own men, Lord Olivier, on one occasion made that statement. But is it not a fact that communalism is the way to high office? If I can show that I am a great communal leader, I can be a Rai Bahadur if I happen to be a local magnate or a Khan Bahadur if I happen to be a Muslim and even something bigger if I

happen to be a man with higher aspirations. Sir, if we want to understand what communalism is, what is the reason for this communalism, we have got to go back to 1858 and all that has happened since then. We have got to go back to 1905 and all that has happened between 1905 and 1935. I am prepared to recognise that the failure of our nationalism to solve the communal problem has had disastrous effects upon our national life and I have no word of praise for communalists, whether Hindus or Muhammadans. But I want Government, Sir, to face facts squarely and I would say that a part of the responsibility for this communalism rests with the British Government in India. Sir, in any case the communal problem is acute at present in only two provinces as far as I can see.

THE HONOURABLE SIR HENRY CRAIK: No.

THE HONOURABLE MR. P. N. SAPRU: We have had no communal riots or very serious communal riots. We had one at Ferozabad; but, Sir, we have had many more riots in past years. I should like the Honourable the Home Member to compare the figures—

THE HONOURABLE SIR HENRY CRAIK: Secunderabad.

THE HONOURABLE MR. P. N. SAPRU: It is not in British India. It is territory administered by the Political Department.

Sir, the Indian Press has been blamed for encouraging communalism. I should like to pay a tribute to the Indian Press. There are great papers which recognise their responsibility and the Press has been a powerful factor in the growth of real and true nationalism in this country. No one can accuse our Congress friends at any rate of communalism and you can have no fear so far as the Congress is concerned in this respect.

Now, Sir, I come to the last danger, communism. What is the evidence that there is communism in this country? My Honourable friend says: "If you will come to the archives of my office"—and I shall not be permitted to those archives—"I will point out to you evidence that these fellows are being financed from Russia or some other country". We cannot talk of Russia now. Anglo-Russian relations are very good. But what is the evidence that there is communism in India. A Congress socialist cannot be described as a communist. His ideology is not Marxian. If your idea is to stop communist ideas flowing into India, then you must be logical. You must shut up your universities and secondary schools. You must prevent the rapid growth of communications. You must isolate India from the rest of the world. You will have to do many more things also. No, Sir, that is not the way in which you can deal with communism. I venture to say that the Indian soil is not congenial for the growth of communism. We are a very superstitious people; we are a very religious people. We do not believe in the materialistic interpretation of history. Sir, I will just repeat a conversation which I had with a friend who called himself a communist. I am afraid I am taking a great deal of time—I should like to cut short—I hope you will permit me, Sir, to say what I want. I had a conversation with a friend who imagined he was a communist. He was a Master of Arts of our University, presumably a well educated man. I asked him, "What do you mean by communism?" He replied, "Adult suffrage!" That is the communism, we have in this country. There is,

[Mr. P. N. Sapru.]

I will admit, much dissatisfaction with the present social order. There is much dissatisfaction with the present economic order. There is, I will admit, some economic unrest. There is much dissatisfaction with the present economic order because the average man feels that he has not a fair chance in this country. He cannot get employment. If our property

4 P.M. owners will realise their responsibilities, if our capitalists will realise that property has certain responsibilities attached to it, if our Government will follow a policy of real national economic development, if they will adopt a wise policy of planned economy, if our capitalists will be fair to the working classes, I can assure you, Sir, that communism will never flourish in this country. The genius of this country is against communism. But, Sir, in the name of communism what have Government been doing? They have been attacking organised labour. They have declared certain labour organisations unlawful. Some of these labour men have gone to courts of law and they have been declared to be innocent. My respected friend, Mr. Joshi, tells me that some of these organisations—and I am prepared to accept the statement of Mr. Joshi because Mr. Joshi I know is not a communist and is a very moderate man—that some of these labour organisations which have been banned were not communist at all. There were some men in the organisation who had communistic ideas but is that a good reason for declaring a whole organisation illegal? I say, Sir, this bogey of communism you have only created in order to get the votes of our friends with vested interests, in order to induce these gentlemen to vote for this extraordinary measure.

I will come, Sir, to another consideration, and that is a moral consideration. Sir, in dealing with these dangers, the methods employed must be such as a wise man would be justified in employing. The State is not above morality. We cannot have two standards of morality, one for the individual and the other for the State. There is one absolute standard of morality and that is a standard which is as much binding on the State as on the individual and if I find, Sir, that these measures are such that I cannot describe them as moral measures, I am bound to condemn them.

Then, finally, I come to an over-riding consideration. Next year we shall have provincial autonomy with Federation following soon after. Indian Executives and Indian Legislatures will be primarily responsible for the maintenance of order. The New Constitution is an extraordinarily conservative one. It is full of safeguards and reservations. These we can fight. But it is the extraordinarily conservative character of the New Constitution which has troubled me. Vested interests will be in a dominating position. Even Lord Lothian in an admirable article which he has contributed to *Twentieth Century* admits that vested interests will be in a very strong position. In fact, it will not be possible for progressive political parties to hold power at the centre. Now, Sir, there is no guarantee that these powers will not be used by these Indian Governments of the future to crush their opponents, the parties that will be in opposition to them. Indian political parties have yet to learn the political game. Sir, we cannot be indifferent to the position of democracy at the present day. We know, Sir, how dictatorships have been established in Germany, in Italy, in certain other continental countries. These political parties have acquired

power through the constitutional machinery and they have used that power to establish a dictatorship of the right or the left.

THE HONOURABLE THE PRESIDENT: You are not speaking of the Government of India.

THE HONOURABLE MR. P. N. SAPRU: Sir, I am coming to a most important consideration. Sir, Governments of the right and the left may try to establish, under the cover of laws, here also a Totalitarian State. The difference, Sir, between a Totalitarian State and a liberal democracy is that, while both claim to derive power from the people, in the latter you have what you may call a free competition of ideas. It is clear that democracy cannot function without freedom of association and freedom of the press. There is danger, therefore, Sir, that under an Indianized Government these powers may be used by Governments of vested interests to oppress their opponents. Situations may be created which may provide occasion for the suppression of opposition groups and the establishment of a dictatorship. Indeed, Sir Malcolm Hailey in a paper which he read at Oxford told us that that is how Indian genius will assert itself, that it will assert itself in some form of personal dictatorship. Well, Sir, I do not wish to see the funeral of democracy before it is born in this country. There is, as far as I am able to see, no safeguard against a danger of this kind. What more easy than to forfeit the funds of your opponents, than to declare the associations of your opponents unlawful and then go forward with your policies and your programmes? We do not want, Sir, a so called responsible government of vested interests to be used as an instrument for crushing the democracy which is yet in its infancy in this country. We are living in a period of great economic depression which has hit our vested interests hard. They are terribly afraid of new ideas and they do not know, Sir, how these ideas will work out in life. It may be that they will try to establish dictatorships. There is danger that these powers may be misused by governments of the future. I would rather trust the present Executive than an Indian Executive of vested interests in dealing with these dangers. Sir, I have little more to say. The Bill challenges the fundamentals of one's creed. I am not prepared to deny that creed. I, Sir, have a belief in liberal democracy. I believe in it with the fervour of religious conviction. And this Bill is inconsistent with the basic principles of Liberal Democracy, as I understand them. As one who values certain principles, I cannot be a party to this measure and I shall consider it a sacred duty to vote against this measure.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa: Nominated Non-Official): Sir, I rise to support the Bill that is now before the House. I do so because I am convinced, on looking at the facts and figures that have been brought to light in the course of discussion on the measure, that it is necessary for maintaining tranquillity in this country that the Executive should be armed with powers which this Bill would confer on it.

We cannot disguise the fact that there are at present two conflicting schools of political thought in this country. One of them believes in revolutionary methods, considers disorder as a necessary prelude to order, and aims

[Sir Kameshwar Singh.]

at destroying the existing order of things. The other school of thought is definitely in favour of a peaceful atmosphere and a firm believer in the process of evolution. There are many shades of political opinions within and between these thought currents, but they, if I may say so, constitute distinction without difference. Generally speaking, the root cause of this main difference in outlook is economic. The revolutionary mentality is chiefly the mentality of what is termed "have nots"; while the peaceful evolution is considered essential by most of those who are described as "haves" or "stake-holders", as well as by people who are fruitfully occupied with the business of their calling. I am not referring to any party, as every party has got within it members holding different shades of opinions although agreeing to the majority rule. I am not referring to the avowed object of any association or individual. I allude to the mentality of people in general.

That being so, Sir, the stake-holders who look to the Government for the protection of their rights and interests, must consider it to be their paramount duty to strengthen its hands to keep in check all those factors that have disruptive or coercive tendencies.

Sir, I will not discuss the details of the Bill, because it is not a new measure. It will only continue the existing law. We have seen how effectively it has dealt with the civil disobedience movement. If the terrorists' activities, communists' menace and communal unrest have not assumed uglier shape it is because the Executive are fully armed to deal with them. So we have to ask ourselves in respect of this Bill: "Should we wait till the civil disobedience movement reappears, till there are more murders and dacoities committed by the terrorists, till the communists party has got more recruits and better organisation and till the communal unrest has developed into a civil war and then re-arm the Executive with necessary powers to meet the situation or should we give it the power here and now to maintain a peaceful atmosphere?" Sir, prevention is always better than cure and I certainly prefer the second alternative.

We have seen how the situation has improved by the application of the law during these three years. I hope that it will improve further if the law is permanently on the Statute-book. Those only need fear the law who like the commission of the crimes which this Bill seeks to prevent. Others certainly have no cause for apprehension. Let me wish, however, that the public will attempt not to transgress it, and no occasion will arise for the use of the legislation. I appeal to the leaders of public opinion to bring about a situation in this country in which the law may remain a dead letter.

Sir, most of those who oppose this Bill attribute machiavellian designs to the present Executive. But they must remember that before long the present character of the Executive will have no place in the constitution of the country and the law that is being enacted at present will shortly be administered by Ministers responsible to the Legislature. The anxiety of the present Executive, as has been clearly explained by His Excellency the Viceroy in his Address to the Members of the Central Legislature on the 16th instant is to hand over the reins of office to responsible ministers in the best of condition. So I think that the allegation has no legs to stand. We have to recognise that

responsibility and power must go hand in hand. So long as we hold the present Executive responsible for the maintenance of law and order we must arm it with power to discharge its duties.

I have no doubt, Sir, that this House will pass the legislation.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, I had no intention to intervene in this debate, but I rise, as I feel impelled, to make a few observations on the Bill now before this House as certified and recommended by His Excellency the Viceroy and the Governor General which he deemed essential to do in the interest of peace, tranquillity and the good government of British India.

I think, Sir, no Honourable Member of this House will deny the fact that although the inhuman and cruel activities of terrorism have apparently lessened in Bengal, it is still lurking there and, as stated by His Excellency the Governor of Bengal in a recent address at Dacca, the virus of terrorism is not yet dead.

I admit, Sir, coming as I do from Bengal and specially from a terrorist district like Midnapore, that Government was fully justified in bringing this emergency measure, the Criminal Law Amendment Act of 1932, which expires on the 18th December, 1935.

Sir, this Bill was twice placed before the other place, I mean the Assembly, which is the more representative and popular House and was twice rejected by that House. Now, Sir, may I know from the Home Secretary opposite what justification the Government of India have in forcing down our throat this bitter sugar-coated pill against the wishes of the accredited representatives of India? I know, Sir, that this Bill will be passed by this House shortly by a majority of votes.

We are supposed to possess equal rights with the officials and call ourselves equal partners. But, Sir, when the question of advantages and self-respect come they always go to the official side. Sir, the Act of 1932 was admittedly directed to combat the triple menace, viz., terrorism, communism and the civil disobedience movement. But it does not appeal to reason by any stretch of the imagination, what justification have the Government of India to bring this law in headlong haste in a recommended Bill before this House in the face of public opinion? Again, Sir, I notice that the elected representatives of this House are always treated with scant courtesy and are asked to pass the Bill without giving the House an opportunity to amend it in line with popular demands. Sir, it would have been a wiser and a better course to delay this Bill and to hold it in abeyance till the period of its expiry. Government could have given warning to the Congress, the terrorists and the Press not to carry out picketing, and press agitation for subversive movements, and would have watched the situation, after the expiry for at least two months. If the warning had been violated, Government would then be justified in bringing in a more drastic measure than this Bill, and it would have received wide and extensive support of this House and the other House. The January session is not far off. Heaven would not have fallen or toppled to the ground if this Bill had been held in abeyance for two months more. Then public opinion would have been on the side of the Government.

[Mr. Mahmood Suhrawardy.]

Lastly, Sir, the Executive, Legislature and Judiciary, are the three great powers of the King. One should not trample on the other in the name of good government. Sir, I offer this criticism not in a spirit of opposition to Government, but from a sense of duty. Sir, I must make my position clear before the House as an elected representative before I cast my vote.

THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA (West Bengal: Non-Muhammadan): Sir, the Bill has been brought to this House in a recommended form which, in other words, means that this House has been practically gagged from discussing either the merits or the demerits of the Bill or to suggest any amendments for improving the Bill or its clauses. In other words, it means that whether this House wishes it or not, the Bill is finding its way through the wide door of certification on to the permanent Statute-book in the very form in which it has been brought before this House. In spite of all these difficulties I feel I will be failing in my duty if I do not speak a few words on this Motion.

Sir, in 1932, when the Criminal Law Amendment Bill was first introduced in the Legislative Assembly, it was done in such a form as to make the Bill a permanent measure. But good sense prevailed on the Government to meet public opinion as reflected in the other House by acceding to the request of the Opposition to enact the measure for a limited period and as such subsection (3) of section 1 was added to the original Bill for the purpose of limiting the life of the Bill to three years. Sir, now Government has again brought the present Bill before the Legislature for the purpose of enacting it as a permanent measure. Considering the circumstances under which this Bill was thrown out in the Consideration stage in the other House, it gives one the impression—and I believe a right impression too—that the representatives of the people in this country were not so much against the provisions of the Bill but were against the principle of making this measure a permanent one. I admit that special circumstances require special powers for the Executive to deal with emergencies. Such circumstances arose in 1932 and the Indian Legislatures rose to the occasion and gave the powers required by the Executive to meet the situation. At the present moment, Sir, the circumstances are quite different to those prevailing in the year 1932. The civil disobedience movement and all its consequential movements are gone for all practical purposes. The present Executive want those very powers given to them in 1932 for all time to come. Let us examine as to how far the 1932 Act achieved its object. It may be that the Act of 1932 has only partially achieved the object for which it was designed, and therefore the life of that particular law might require extension for a further period. Had the Government brought this measure with that object in view, I think the whole of India would have been willing to lend the measure their full support for the extension of the life of the Bill for a few years more. But, Sir, on the contrary Government's case is that the Criminal Law Amendment Act of 1932 has gained its object fully in crushing those very subversive movements for the purpose of which it was passed in 1932, and therefore they want the measure permanently on the Statute-book so that in the event of a recrudescence of those very movements Government might use these powers to meet such hypothetical situations if and when they arise. Sir, I am bound to say that no Legislature in

the world ever agrees to pass a legislation on a hypothetical proposition. No Legislature can ever agree to arm the Executive with such absolute autocratic powers as are contained in the present measure for all time to come. Further, Sir, in the event of a sudden recrudescence of all those subversive movements mentioned in the statement of objects and reasons appended to this Bill, the Government have certainly got the absolute right and full power under the present Constitution to pass Ordinances and during the lifetime of such Ordinances the Legislatures may be convinced not only of the passing of the present measure but even a stronger measure if that be necessary. Sir, I think I have proved that there was no necessity for Government to avail themselves of these extraordinary powers of recommendation and certification unless and until they proved to the people at large that the Indian Legislatures even refused to give the Executive these very powers for another limited period.

Before I conclude I would like to explain my position more fully so that my intentions may not be misconstrued. I am thoroughly prepared to agree with Government about the necessity of the extension of the life of the present measure by a few years more but at the same time I am not prepared to agree with them about the necessity of this measure being brought on the Statute-book for all time to come. But as it is not possible to suggest amendments to this recommended Bill for the limitation of the life of this measure I would therefore refrain from voting on either side.

THE HONOURABLE MR. G. R. CAMPBELL (Bengal Chamber of Commerce): Sir, I should like to correct, though I may be wrong myself, what occurs to me as a slight misapprehension in the implications of the phrase "the freedom of the Press". It has always seemed to me, Sir, that one of the main functions of the daily or weekly newspaper was that the ordinary man in the street could correct his impressions, that it was the medium by which he might distinguish between the truth or the falsity of the rumours and the gossip gathered as he went about his daily occupations. If that is so, Sir, then it seems to me that some Honourable Members attach too much weight to the point of view of the Press when discussing the freedom of the Press and do not think sufficiently of the people whose interests they must watch. My Honourable friend Sir Phiroze Sethna suggested that there should be a time-limit to this legislation. I should like to ask him if in laying down a standard of morality for himself he puts a time-limit on it? I do not think he does and I do not think that arises in this case, because if the law of the land is observed this Act will for all practical purposes become a dead letter.

Certain Honourable Members have referred to that occasion on which we were privileged to hear the views of His Excellency the Governor General and his reasons for recommending this measure. I suggest that he did not come to his conclusions without the most careful consideration, and I cannot imagine, Sir, that anything but the most mature judgment, the greatest consideration for the welfare of the people of this land, and certainly no thought of repression, guided the deliberations of that "very parfit gentle Knight". Therefore, Sir, I appeal to all Members to support Government and in this Honourable House of statesmen I hope that none will be found to be numbered among those people who cling to fictions the more obstinately, the more unpalatable they find the admission of facts.

Sir, I support the Motion.

THE HONOURABLE RAJA CHARANJIT SINGH (Punjab : Nominated Non-Official) : Sir, on behalf of my province I rise to support the Motion which was so ably moved by my Honourable friend Mr. Sloan this morning. The Bill before the House is not a new measure. It proposes to renew some of the provisions of the Bills of 1931 and 1932, which were duly passed by this House as well as the other. As a matter of fact no less than eight sections and one sub-section of the previous Acts are being repealed by this Bill. Now, Sir, Honourable Members are fully aware that all Local Governments are unanimous in asking for this Bill. Is there any justification for refusing this unanimous demand ? The situation in some of the provinces is such that I am afraid this Bill will not be sufficient to cope with it. The result is that some, like Bengal, have already passed special and more stringent Acts, and the others are going to do so very shortly. For instance, the Punjab Government asked for the retention of section 6. This will now have to be incorporated in the local Bill which is coming up in the Local Council next month. Some Honourable Members have spoken about the liberty of the individual. In my opinion that argument is really for the Bill and not against it. It restrains the liberty of only those who try to restrain the liberties of their fellow-subjects. Therefore it restores the liberty of all those whose liberty has been restricted by picketing, boycotting, etc.

Another objection which I heard this morning was that the Bill is all right, but that it should have been only for a limited period. Past experience has shown that a temporary Bill does not eradicate the disease. Only the symptoms are subdued. In order to have a permanent cure, a permanent remedy must be prescribed. Another objection which I heard was that it would prevent the diffusion of knowledge. I am sure the Honourable Member who made that assertion did not really mean what he said. By no stretch of the imagination can it be said that seditious and inciting articles diffuse knowledge. I hope this House will rise to its responsibility and support this Bill.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, many things can be said for and against the proposed Bill but with a clear conscience I cannot deny the necessity of a measure like this for stopping certain vicious movements existing in the country for the subversion of law and order. Sir, once when it is agreed that all those movements, which the Honourable the Home Secretary, Mr. Sloan, enumerated this morning, are in existence, whether in an active or dormant state, it would be very difficult for the majority of the Members of this House to deny the powers contained in the Bill under discussion to the Executive. Can any body deny that the activities of these movements are not opposed to Indian culture and society of which we are so proud ? I ask with all seriousness whether there is any body here or outside who would be willing to see a further widening of the gulf of communal feeling through the agency of the mushroom press, the cuttings from which have been supplied to us in the form of a booklet only the day before yesterday by the Government ? I can not but refer to the last picketing of schools and colleges which produced the worst effects and by which the lives of thousands of our brilliant young men were blasted for ever. By the terrorist movement so many brilliant lives of Europeans and Indians are lost for nothing. These improper movements from the West can never be made to yield good results on Indian soil. The only thing that we may seriously

consider now is not the denial of the powers to the Executive, whether white or brown, but to suggest to the Government to see that in applying the measure to each individual case the utmost care is taken to prevent the misuse of these wide powers.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : I wonder, Sir, whether the Government have not gone too far in making the alterations they have made in the Act of 1932 ? If the object was to conciliate their opponents or to make a generous gesture for the good of the country, all their efforts have proved futile. No response has been elicited and it has been treated with contempt. I believe, Sir, that those who have made up their mind not to be placated or conciliated will under no circumstances agree to any conciliation. It is unfortunate that in India a certain section of the educated classes is so opposed to Government. Living under the freedom of the British Government, with security of life and property, with justice, with freedom for industry, commerce, trade and professions, I cannot understand why there should be such implacable hostility, nay even malevolent and venomous hatred against them. It is said that they want their birth-rights. I should like to ask what those birth-rights are and whether their forbears under the Moghuls, Tartars and under their own Kings, had any ? Even at the present day if they were to go to any Indian Administration and ask for their birth-rights, they would get short shrift. If this is the result of the education planned by Macaulay, his shades would say, "Is this the pass to which British education has brought a section of the Indian public ?" Is that not really disheartening ?

Sir, conditions as they exist today are deliberately ignored by a party, though they do and must admit them in their heart of hearts. The policy which is being pursued at present is not unlike that of the ostrich which buries its head in the sand during danger. The nationalists with blinkers over their eyes and their ears plugged keep out all sight and sound. And all for what purpose ? Is it to prevent the passing of measures that are meant for the safety and tranquillity of the people of India ? Are they not yet satisfied with the disasters, the disorganisation and the misery that was entailed upon all classes including the masses by the mis-called disobedience movement ? It was no more than terrorism of another kind. Bombay's ghastly sufferings and horrors I described, Sir, in my maiden speech in 1932. Civil disobedience has been temporarily locked up, to be brought out at a propitious moment and the result would be chaos, anarchy, bloodshed, and a revolution on the crest of which they will ride to get power and prestige and to drive the British Government out of India. That is their underlying policy, which some barefacedly avow, while others have not the moral courage to do so. And what is the programme which has been sketched out ? It is that under the new constitution they will try to capture as many seats as possible, accept office and, on a difference of opinion with the Governor, resign in a body ; then there will follow another election ; they will get in again and repeat the same tactics ; and if they fail to achieve their purpose, start civil disobedience once again ! That is the programme of some of the nationalists. And such men have the hardihood to call themselves nationalists ! Nationalist forsooth ! They are the greatest enemies of the country. They are out for power and pelf, for self-aggrandisement and not for the masses for whom they allege to speak. Let the

[Sir Nasarvanji Choksy.]

Government remember that the Ethiopian can never change his skin nor the leopard its spots!

Why should the nationalists be afraid of this Bill is the question? Sir, on a memorable occasion at Bombay in 1932 when there was a large and representative gathering because of the fears entertained of the 1932 Bill, I said that those whose hands were clean had no reason to be afraid. I would ask the opponents, are you afraid now? I repeat today, Sir, those very words on the floor of this Honourable House and I say again that those whose hands are clean have no reason to be afraid. It is absurd to say that the Governor under the safeguards will terrorise his Council and put the members into jail, simply because they happen to differ from him. No Governor worth his while would ever abuse his powers.

The Bill, Sir, has not been discussed on its merits. Side-tracking, perfervid platitudes of the market place and extraneous considerations have entered into it. No reasoned arguments have been advanced. There has been a point blank refusal to face facts as they have been placed before them. What does that mean? It means simply that they are not prepared to do their duty to the country. With regard to the sections of the Bill, I would refer to two or three only. There is the question of picketing. Picketing can never be peaceful in India. In fact peace and picketing are not synonymous. It is exploitation for the purpose of hooliganism. Intimidation of a violent character is at the root. Trade disputes are also within its purview. It was a great blunder on the part of Government to have allowed it. It can never be a legitimate weapon for the redress of grievances of labour in India, whatever it may be in other better educated and more civilized countries. Then I come to the second and the most deplorable part which refers to terrorism. I would enquire into the machiavellian casuistry of Indian speakers and writers who in one breath laud and extol murder but condemn the act. Does it not savour of condoning sins one is inclined to by damning those one has no mind to? Sir, who can imagine what must be the feelings of the poor deluded victims who had been egged on to commit murders when they pay the penalty for their crimes? Have those inhuman monsters who incite them no pity for those whom they delude?

I would now ask, Sir, what measures have been taken by the nationalists who are supposed to be the guardians of the public to reclaim these persons? It has been said we ought to find out the root causes. What are the root causes? It is the faulty system of education in vogue that requires a new orientation. Is it not that false ideas have been instilled into or have been acquired by the youths who have been to the universities, who consider it beneath their dignity to do any other save clerical or professional work? The time has come when the battalions of graduates who are turned out every year should be put a stop to. Our universities should cease to function for about ten years, so that this flow of graduates may be checked, and those without work at present may be trained to some serious and useful kind of work that would enable them to maintain themselves. Otherwise the evil would grow on year by year and the number of unemployed B. As. would enormously increase. Sir, what little has been done in Bengal to reclaim the youths

who are in detention camps as detenus or released on parole is through the inspiration of Government officials. I must say that great credit is due to the interest evinced by His Excellency Sir George Anderson, the Governor of Bengal, who has just issued a practical scheme for the purpose. And it was he who was charged with some sort of connection with the Black and Tan movement in Ireland by a nationalist leader. Sir Samuel Hoare's scathing retort was that insinuation was worse than a lie!

Coming to the press, Sir, enough has been said about it. There is, however, another kind of press which I would call the "leaflet press" to which I would invite the attention of Government. They are merely leaflets printed upon coloured pieces of paper in various languages, containing a paraphrase of what has been said by the bigger papers, with lies, perversion of facts with the object of instilling hatred into the masses. They are cheap, avidly and gloatingly absorbed. I think Government should take precautions to see that the authors of these papers are properly dealt with.

And, Sir, what of the future? I believe a day will come when those who have rejected the present Bill will rue the day if their party comes into power and its adherents are dissatisfied with the distribution of the loaves and fishes or through other causes. Verily they would ask to be saved from their friends! On the other hand, another party in power may require the Bill for the sake of good government. Sir, neither party will thank this House for depriving them of a weapon of protection afforded by this Bill.

Sir, this Bill is essential for public safety, security and tranquillity. Of the dangers of communalism I would say nothing as instances are too fresh in our memory. But so far as communism is concerned, I cannot agree with my Honourable friend, Mr. Sapru, when he says that communism is alien to the genius of the people of India. We never know the subterranean ways in which communism works in India. The latest instance is what occurred in Bombay four days ago. Nineteen premises were raided by the police and cartloads of literature were removed for investigation. Communism is aimed at the undermining and overthrow of the constitution and of the British Government. Sir, black clouds are hanging overhead and wisdom dictates that we should not follow the policy of the ostrich. We have to keep ourselves awake, alert and furnish ourselves with the necessary weapons in our armoury to fight those whose sole desire is to oust the British Government from India.

Sir, with these words, I support the Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, it is my unpleasant duty to oppose the consideration of this Bill. I do so with the feeling that the stage in which the opinion of this House is invited on the point is such that no other course is left open to us than to oppose the consideration of the Bill.

Before referring to the details of the Bill, may I submit that I am not altogether opposed to the principles underlying the Bill. I concede that occasions may arise when the Executive may be armed with special powers necessary to control outbursts of passions or outbursts of political crime. And whenever such an occasion arises a legislature will be failing in its duty if it did not give the Government the necessary support in administering the country.

[Rai Bahadur Lala Ram Saran Das.]

There is no doubt that there was a situation in the past which required the Executive to be armed with special powers. But the question that faces us today is whether those powers are still necessary, whether any modification is called for and whether the powers granted in the past have been used for the purpose for which they were intended.

I am sure that every fair-minded person will concede that the political temper of the country is calm and the Government itself has admitted that by partial omission of certain clauses of the Act. The Government, however, contends that it must be armed with these powers permanently to deal with future contingencies. I am sure that this wish of the Government springs more from their desire to be on the safe side, than because of any development which they fear in the immediate future. My answer to this is that the Government, having gained the experience of dealing with civil disobedience can, without difficulty, bring the law into force by an Ordinance, if and when the situation so requires. It would be unwise to arm the Executive with special powers in this respect permanently because it will mean that they will develop a psychology based on these laws as a normal state of mind and thereby retard healthy growth of administrative outlook in relation to democratic requirements of the modern age.

We have been told that though civil disobedience is not an immediate danger there are the triple dangers of terrorism, communism, and communalism. Let me examine them.

I have no doubt that every Indian who has not lost balance of mind will concede that terrorism is a greater danger to our own social stability than even to the Government; therefore any measures that are taken to efface it from this country would receive our wholehearted support. But where the Government forgets its obligation to India is that it is trying to meet it by measures which aim at immediate results and do not likewise go to the root of the problem. What India needs is a permanent solution and that can be achieved only by removing its causes. I am glad that His Excellency the Governor of Bengal has partially attempted to provide these solutions and I hope that all Provincial Governments will direct their attention to providing a corrective to terrorism by improving the system of education and providing that outlet for the young men as would turn their minds from evil designs born of despair and misdirected towards political myth.

I come now to communism. The Honourable the Home Member himself admitted in the other House that this is not an immediate danger but that it might become a very grave one. Sir, frankly, I am confident that communism will not grow in this country if Government takes the precaution of not giving it undue importance and publicity. Therefore the best way to deal with it is through the ordinary law to take such action as is really called for and not to advertise it. Communism has attracted greater attention through press notices of Government's action than through its own inherent appeal to the minds of the people of India whose customs and religious faith totally abhor the communistic system of society.

Finally, I come to the question of communal dissensions. I admit that the situation is not altogether free from anxiety. In my own province thanks

to the vigilance of the Punjab Government we have been saved communal troubles arising out of the unfortunate developments in Lahore. I cannot at the same time refrain from mentioning that communalism has been fed by Government's own actions which, however well-intentioned, have had the effect of encouraging communal tendencies and even propitiating them through the Communal Award and other partial acts at the expense of the general welfare of the community. There is no greater proof of this than the steel frame of the Indian Civil Service administration has been weakened by the introduction of an element appointed as a result of the Government's communal policy in the services. However, I hope that under the New Constitution, when Provincial Councils will be totally elected, the ministries in power would see to it that there communal feeling is curbed, for by feeding it they may ultimately stand to lose office and power. At present communalists run no such risk because of the official influence and patronage in the province. At any rate I do not feel that communalism can be classed among those dangers which require all-India legislation of this character and such stringent control of the Press. At best local Acts can be passed to deal with local situations.

I trust, Sir, it will be conceded by my Honourable friend the Home Secretary that I have approached the problem in the spirit of one who appreciates the difficulties which the authorities are confronted with. I feel, that on closer examination of the Bill, it would have been possible to so remodel it as to meet the purposes of Government as well as satisfy public opinion by limiting the life of the Bill to a year or two thereby covering the period which provides a gap between the present Constitution and the New Constitution. Perhaps even the other House would have taken such a course if some gesture had been made indicating the chance of reasonable amendments to the Bill. However, it is too late to talk about this and the position remains that an opportunity of improving the Bill has been denied to us. The result is that we have either to accept the Bill as it stands or reject it. That is a very unfair proposition and I cannot see why we should be blamed if we refuse to be a party to either of them. We cannot, in the circumstances, share responsibility with His Excellency the Viceroy for a Bill, in the reshaping of which we can have no hand. My appeal to Government is to reconsider the matter and in the light of the conclusive verdict of the Assembly, drop this Bill and leave the Local Councils to take local measures—which most of them have already done—to deal with dangers against which Government wishes to arm itself with these extraordinary powers.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, it is not denied that terrorism is not dead; it is not denied that communism exists, whatever the reason. It is not denied that communalism is much worse now than before. No practical remedy to eradicate these evils is suggested, and yet it is urged that a law which enabled Government to check lawlessness in the country and to bring the situation under control should not be continued in the future.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Remedies have been suggested.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON : Sir, as a District Magistrate and Commissioner, I had experience

[Sir Mohammad Hayat Khan Noon.]

of combating the wave of lawlessness in my province in 1930. The use of the permanent law failed to restore peace and order. Ordinances had to be issued and later on these Ordinances was incorporated into the law. The results secured by that law are apparent. While there is quiet and peace it is very easy to say that this could have been done or that should have been done. But when the trouble comes and spreads, then the whole responsibility of maintaining law and order is thrown on the Administration and very little practical help is rendered by the outsiders and by those who hold the view that the Executive should not be entrusted with additional powers. My Honourable friend Mr. Mehrotra quoted this morning certain sections of the Indian Penal Code and the Criminal Procedure Code and was of the opinion that the use of those sections could cope with any situation. Well, Sir, opinions differ, and I beg to differ from him. All these sections existed in 1929 and 1930 and proper use of these sections was made then and it was not possible with the use of all these powers to restore peace.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan) : On a point of information, Sir. Is the condition the same this year as it was in 1930 ?

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON : I am giving my experience of 1930 when I was in service and had the experience of combating lawlessness. Of course, Sir, if my Honourable friend Mr. Mehrotra had in view some special method of the use of those sections, then we will be very grateful if he will explain it to us.

With these remarks, Sir, I support the Bill.

THE HONOURABLE THE PRESIDENT : Further discussion on this Bill will take place on Wednesday next. The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Tuesday, the 24th September, 1935.

B77CS

COUNCIL OF STATE.

Tuesday, 24th September, 1935.

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

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table a copy of the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee which was passed by the Legislative Assembly at its meeting held on Monday, the 23rd September, 1935.

NOMINATIONS FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT : I have now to announce that the following Honourable Members have been nominated for election to the Standing Advisory Committee for the Indian Posts and Telegraphs Department :

The Honourable Rai Bahadur Lala Mathura Prasad Mehrotra and

The Honourable Srijiut Heramba Prosad Barua.

There are two candidates for one seat and the election will therefore take place on Saturday, the 28th September, 1935.

NOMINATIONS FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE THE PRESIDENT : I have also to announce that the following Honourable Members have been nominated for election to the Central Advisory Board of Education :

The Honourable Sir Ramunni Menon,

The Honourable Mr. P. N. Saprú and

The Honourable Mr. Hossain Imam.

There are three candidates for one seat and the election will therefore take place on Saturday, the 28th September, 1935.

(287)

M71CS

ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT: I have to inform the Council that the Honourable Sir David Devadoss has since withdrawn his candidature for the election to the Standing Committee on Emigration. I therefore declare the Honourable Mr. P. N. Saprú to be duly elected to that Committee.

RESOLUTION *RE* CONTRIBUTION BY HIS MAJESTY'S GOVERNMENT TOWARDS THE MAINTENANCE OF THE BRITISH ARMY IN INDIA.

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

"That this Council recommends to the Governor General in Council to request His Majesty's Government in Great Britain to contribute to India the cost of at least two divisions of British troops maintained in India."

Sir, the Resolution which I commend to the House is an innocent one. It neither condemns the Government of India for any sins of omission or commission, nor does it ask the Government to reconsider a decision already taken in any matter. It simply wants the Government of India to act as a sort of post office and forward our demand with a word of recommendation, if possible, to the authorities concerned. Inasmuch as the Resolution is both inoffensive and wants to put something into the pockets of our Honourable colleague the Finance Secretary, I hope it will have the support of both the non-official and official sides of the House. It is within the knowledge of the House that I have had my differences with His Excellency the Commander-in-Chief about the Army Department. I have even now many differences and do not see eye to eye with him on many matters. But on this particular question I am very happy to say, Sir, that he is himself almost the father of my Resolution. It has not yet been realised what great services His Excellency has rendered to the cause of India in the matter of payments by the British Government to the Indian exchequer. Sir, I regard it as an unfortunate decision that was taken in regard to not showing to the public at large what our representatives did at the Garran Tribunal. If the whole of the case presented by India, in which His Excellency had the chief part, had been published a great deal of misconception which now exists in the country would have disappeared. While I say this, I must also admit that when I had the privilege of reading the note of the eminent Chief Justices of India who were members of that Tribunal, I agreed with the decision of Government that there were parts of that note which could not see the light of day on account of foreign and military policy. Nevertheless, if those notes had been edited instead of being abridged and published, they would have gone a long way to bring the popular demand into line with the Government and we would not have heard so much about the mismanagement of our case in connection with the Tribunal.

Sir, it is well known that the Garran Tribunal was formed to adjudicate on the entire case between the Government of India and the War Office. The Tribunal divided its terms of reference into five parts, and it was only on one, and even there partially, that they succeeded in giving a definite decision. I

refer to the question of the capitation grant. Again, I have to say that I differ from His Excellency the Commander-in-Chief in this matter. Our case as placed before the Tribunal about capitation was that we should be absolved from all payment, but even so we went into the question of the period of training for which the charges should be fixed on the Indian exchequer. The terms of service in India and in England were partitioned, but it was unfortunate that the particular items that made up the capitation charges were not discussed or decided upon by the Tribunal as a whole. Be that as it may, we are at present concerned with Head 2, referred to in paragraph 14 and downwards in the Tribunal's report, in which the contribution from Imperial revenues to the Indian military defence expenditure has been discussed.

Sir, I regret that the Tribunal as a whole failed in its duty of coming to any decision on the most contentious part. The Tribunal came to the conclusion that

"None of these formulæ appears to the majority of us to have any satisfactory foundation in principle, or to afford any guidance as to the amount of the contribution. We can only suggest——"

This is what I object to, Sir,—

"We can only suggest that the amount of the contribution should be fixed in relation to the grounds on which we have recommended that it should be paid. Sir Shadi Lal and Sir Shah Sulaiman consider that the contribution should have some relation to the cost of the British troops in India, and Sir Shah Sulaiman further thinks that another suitable basis of its assessment is by fixing a maximum percentage of the Central revenue, for which there are historical precedents."

Mr. President, when I say that I am not satisfied with this decision of the Tribunal, I do not impute partiality to it: I simply say that it did not realise the difficulties under which we are labouring. After all, the Government of India is but a subordinate department of His Majesty's Government in Great Britain. You cannot have an equitable settlement as you can have between equals between a master and a servant. If we look at the India Office, and the decision made by the India Office and the War Office, we must not forget the fact that after all the India Office is a part of the British Government and owes allegiance to the suzerainty of Britain, and as such it is only right that it should work in the interests of England; and if it did not, it would be failing in its duty. I admit, Sir, that when the interests of India and England do not clash, the India Office can fight for us and has fought for us: but when they have to deal with their own kith and kin, with their own colleagues, I do think that full justice is not done to India. Had it been possible to decide this matter amicably between India and the War Office, there would have been no necessity of having a Garran Tribunal. The reason why we have persistently demanded a payment from the Imperial exchequer to India is exhaustively dealt with in this Tribunal's report and I need not dilate on it. Suffice it to say that being a part of the British Empire and not having an independent existence like other Dominions, I claim that it is incumbent upon the Imperial authority to shoulder a part of the cost of the defence of India. If, Sir, we had an independent existence like that of the Dominions, the British Government would be perfectly justified in asking us to pay for our defence. If we had a quasi-independent existence, the responsibility of the Imperial Government would be proportionate to the degree of

[Mr. Hossain Imam.]

independence which we had ; but in the case of India where the Government has no independent existence, the power of the British Parliament is supreme. Equity and justice demand that the Government of Great Britain should take a part of the cost on their shoulders. There are, Sir, historic precedents for my demand. None of the Colonies maintain an army or a force adequate to safeguard them when attacked by a first class power. This I say is the right thing. Then, Sir, in the British Empire no country pays any capitation charges. Thirdly, we have the unique feature of Egypt where an army of 10,000 strong is maintained by the British War Office at the cost of the British exchequer. And, Sir, what is still more, we have on the highest authority the following statement :

" The army in India serves an Imperial purpose, because it is unquestionable that the British garrison in India is of incalculable value to the British Government and the Empire generally in addition to the services it renders to India in particular. Without it " (that is, the British army in India), " either the Imperial garrison in the East would have to be increased or an Imperial reserve would have to be located in the East at the expense of the Home Government ".

This, Sir, is the military opinion on the subject and, as I said in the beginning, the military part of the Government of India has done all that it could do ; but it is the civil side which did not follow up the lead and in a way bungled the matter. Sir, my idea in bringing forward this Resolution was that it should not be thought that the petty sum of £1½ millions granted by the British Government as alms to India should be the last word on this question. It may not be possible for us to get what we demand now, but we should not forget our demand. We should keep the flag flying and whenever we get an opportunity we should go on until we succeed in getting equity and justice from the Government. Sir, I need not dilate more on this subject, as it is one in which I think I can say that I have a great deal of sympathy from both sides of the House.

Sir, I move.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I hope the Honourable mover and the House will not think if I formally oppose this Resolution that I do so because I think in the least that the Honourable mover is wrong in bringing it forward. On the contrary, I think it is a very good thing that this very important matter should be aired occasionally and the House will recollect that so far from the Government of India or myself opposing this contribution from England at any time during the time it has been mooted we, on the contrary, not only supported it but we did our best by briefing counsel to appear before the Garran Tribunal and put forward every possible argument that we hoped might influence that Tribunal and we actually did our best to get more ; and when a similar discussion took place in this House a year ago—I think it was in March, 1934—I said on behalf of the Government that we thought India had only obtained bare justice in the award which she had got. But there are two reasons why I formally oppose it. One is the form in which it is couched and that is that you ask for the cost of two divisions. And another reason is that I think the moment is again inopportune. The House will remember that when the discussions took place last year in this House I pointed out that we in putting forward our case had found it impossible to place a cash value on the benefits we considered the Government of the United Kingdom gained by the upkeep

of the troops in India. We said that it was impossible to assess an actual cash value. • We could not say that it was worth the cost of one division or two, and you will also remember that when the award came out we found that the Garran Tribunal itself had also found it impossible to put a cash value on the services rendered to the United Kingdom by India in keeping up the troops she does. You will remember that the Garran Tribunal left it to His Majesty's Government in the United Kingdom to assess that cash value and we have never found out on what principle they did so. It was impossible for us to ask the Cabinet and the Chancellor of the Exchequer to tell us exactly how they arrived at the figure of a million and a half which they did. But I suggested that the reason why they gave us something like a million and a half was possibly because India had supplied troops for use by the United Kingdom overseas something like seven times in the last fifty years and that on no occasion except during the Great War, when India was obviously fighting as much for herself as for the United Kingdom, had she ever sent abroad more than the equivalent in units of one division. And therefore I urged in the debate last year that India, if you looked at it in that way, was not badly paid by getting a million and a half a year because that was considerably more than the cost of one division, to say nothing of the fact that whenever the British Government had used Indian troops overseas who had, from the moment they left Bombay, paid the whole of their cost. I also said during that debate that I thought it was a singularly inopportune moment even a little more than a year ago to ask His Majesty's Government for a greater contribution than she then made towards the cost of the Army in India. Her head was only just emerging over the surface of the tragic sea of financial difficulties and commercial difficulties which the war years had thrown her into, and in that war she herself, the United Kingdom, had paid by far the largest share of all the Allies of the cost throughout. And I said that I thought that it was hardly the moment when she had not only done that but was still continuing to pay by far the largest share of the cost of the whole of the defence of the Empire, to ask her for more than she gave us under the Garran award. Well now, if that was the case then, Sir, I suggest that this moment is even more inopportune. What is happening at this moment ? The Government of His Majesty in the United Kingdom has since the war done its very best to induce the nations of the world to disarm and to refer their quarrels to a common court at Geneva. And at this very moment when you ask her to pay more towards the cost of the Indian forces she is confronted with a whole series of treaties, pacts, arrangements and such like, which she had taken part in bringing about and that she hoped would effect the disarmament of the world brought to nought. All those treaties and pacts look as if they have shared the fate of the scrap of paper about which we went to war for the defence of Belgium. His Majesty's Government is, I suggest, confronted now with the old suicidal competition among the nations to arm. She is confronted with what seems to be a world madness, and already we have seen the announcement that she has had, against her will, to more than double her air force and, for all we know, she may have to do the same with her army and navy. And again I suggest to the House that if that happens she would be bearing by far the heaviest burden of the defence of the whole Empire, and I would suggest that, while she is doing that India must hold her own with the million and a half she gives us and maintain her defences on land. If His Majesty's Government were beaten in war, India

[His Excellency the Commander-in-Chief.]

would lie completely defenceless on the sea. If the British Empire was beaten you would have nothing to meet the naval situation with. You pay one hundred thousand pounds sterling a year to His Majesty's Government and for that you get the whole British Navy, if it is necessary, to use in your waters. If all this is the case,—and I think it is,—I venture to suggest to the Honourable mover that since, as I said, not only I but the Indian Government have the fullest sympathy with the hope that eventually Britain should pay more, I trust, though I think he was perfectly right in bringing forward this Resolution and keeping the question alive, that he will see fit to withdraw it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan): Sir, I rise to thank His Excellency the Commander-in-Chief for the sympathetic reply he has given to the Resolution moved by my Honourable friend, Mr. Hossain Imam. I am very glad to hear that His Excellency as well as the Government of India did their best and tried to place the views of this country before the British Government for increasing the capitation charges. Sir, we are convinced that the amount fixed by the Capitation Tribunal is not enough and India ought to have got much more. But, Sir, as His Excellency has just said that this is an inopportune time and my friend may not press the demand at present but bring it up again after some time when the question of the present situation is settled, I quite agree with him and I shall request my friend, the Honourable Mr. Hossain Imam, not to press this Resolution, but to withdraw it and bring it forward again after some time.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan): Sir, I have just two words to say on this Resolution. I am quite sure that the Honourable Mr. Hossain Imam is not going to press his Resolution but I hope His Excellency will forward the proceedings of this Council on this subject to His Majesty's Government and the War Office.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I certainly will, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I wish to have the leave of the House to withdraw the Resolution.

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

MADRAS CITY HINDU TEMPLES BILL.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras : Non-Muhammadan): Sir, I beg to move :

“ That this Council do recommend to the Legislative Assembly that the Bill to provide for the better administration and governance of Hindu Temples in the City of Madras and the endowments attached thereto be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 12 Members.”

It is unnecessary to say more than a very few words in commending this Motion to the acceptance of the House. The Bill is intended to provide for the better administration and governance and closer supervision of the large

number of temples in the City of Madras and to safeguard the proper application of their income. As Honourable Members are aware, prior to the year 1842, the administration of the Hindu and Muhammadan religious endowments in British India was carried on by the Government itself. Efficient and stringent control over the management of the temples and mosques was exercised through the instrumentality of the officers of the State and there was no general satisfaction that the income was properly appropriated. But in 1842 the Government entirely divested themselves of the control and supervision of religious endowments owing to the result of an agitation in England that it was not the function of a Christian Government to administer or control Hindu and Muhammadan endowments. As a result of such relinquishment of control and the withdrawal of supervision, trustees were in a position to do as they pleased and mismanagement prevailed everywhere. This was considered to be a very unsatisfactory state of affairs, and as a remedy, the Religious Endowments Act of 1863 was passed. By this Act, local committees were appointed to exercise a form of supervision vested formerly in Government. One very serious defect in the Act was that it did not apply to temples, the trustees of which were before 1842 not directly appointed by Government and so there was no provision therein for the exercise of any supervision over an important and large class of temples of which the trustees though not appointed by Government had no hereditary rights at all. Also, the powers and duties of temple committees were not defined with precision; the committee had no power to enforce their orders except by means of filing suits; the committees had no funds for the purpose of carrying out the duties; the members of committees were to hold office for life and the provisions of the Act were not adequate to safeguard the interests of the trustees. These defects in the Act resulted, as far as the Madras Presidency was concerned, in the trust funds being grossly misapplied and wasted. Opinion was unanimous that the provisions of the Act were not sufficient to check maladministration. Various attempts were made from time to time to introduce suitable legislation and finally the Government of Madras, during the Governorship of the present Viceroy, His Excellency Lord Willingdon, introduced the Madras Hindu Religious Endowments Bill in the Madras Legislative Council. The Bill was passed by that Council and it extended to the whole of the Madras Presidency including the presidency-town of Madras as it was undoubted that the evils in the system obtaining in the rest of the presidency were present in the city also. But His Excellency the Governor remitted the Bill to the Council for consideration suggesting certain modifications. One of such modifications was that the Bill should not be made applicable to the presidency town as it was not competent to the Local Legislature to pass any measure which would affect the ordinary civil jurisdiction of the Madras High Court. His Excellency, in paragraph 2 of his message, stated that he was advised that the provisions of the Bill seeking to make it applicable to the city amounted to affecting the jurisdiction of the High Court. The message further stated :

“ It is not permissible in an Act of the Local Legislature to include any provision having this effect ”.

His Excellency therefore suggested the exclusion from the Bill of the territory subject to the ordinary original civil jurisdiction of the High Court, that is, the City of Madras. Accordingly, the Bill was amended excluding the city from

[Diwan Bahadur G. Narayanaswami Chetty.]

its operation and when the need for that measure in respect of the city temples also was pointed out, the Government Member stated as follows :

“ When this Bill is placed on the Statute-book, the next step will be to move the Indian Legislature to enact a law which would bring the presidency-town within the ambit of the measure ”.

Sir, the Bill became law ten years ago and nothing else has been done in the matter. This shortly is the reason for the introduction of this Bill in this Honourable House. I may say, Sir, that there is no principle in, or reason for, excluding the endowments in one particular part of the presidency from the operation of a measure applicable to other parts in which the same conditions prevail. The reason for passing the Madras Hindu Religious Endowments Act in 1926 providing for effective supervision of temples in the Madras Presidency hold good with greater force in the City of Madras today and I, as the President of the Hindu Devasthanams Committee in that city, unhesitatingly state that the management of the temples and their income need to be immediately placed under proper control. The Bill which I have the honour to move for reference to Joint Committee will, I expect, attain that object.

I shall now briefly refer to the main provisions of the Bill. To Members of this House unacquainted with the state of affairs in my presidency, I may state that the Madras Hindu Religious Endowments Act, 1926, the general supervision of all Hindu religious endowments is vested in a Central Board consisting of a president and four commissioners appointed by the Local Government. They are full-time officers. Under the Bill now under consideration, it is this Board that is given the power to supervise the administration of the temples in the city, to appoint non-hereditary trustees, to remove them for breach of trust, misappropriation or other proper cause, to order the audit of temple accounts and to see that the various objects with which the endowments were made are properly carried out. Care has been taken to enforce that no lawful usage or *mamool* obtaining in the religious institutions is altered or interfered with. No provision has been made in this Bill for the constitution of a temple committee as it is not necessary or desirable that for the small area over which it would have force there should be composed of honorary members besides the Board itself which has its headquarters in the City of Madras. Another important provision is that on the coming into force of this Act, schemes of administration settled for the temples by the Courts under section 92 of the Code of Civil Procedure should cease to be operative. The reason for this is that those schemes settled a long time ago are not suited to the present conditions and contain many provisions which would render nugatory the various provisions of the present Bill in regard to supervision and that they are defective and have filed a large number of cases to effectively safeguard the interests of institutions. These schemes can be modified only by means of suits which would involve the trusts concerned in protracted litigation and heavy expenses. The course suggested in the Bill is cheap and speedy and has been adopted almost unanimously in a measure recently passed by the Madras Legislative Council. The Bill also provides for paid and full-time executive officers being appointed in suitable cases as experience has

shown that honorary trustees are not able to bestow the attention and time necessary for discharging the onerous responsibilities of the management of trusts getting enormous income. This practice has been adopted in a large number of instances under the Madras Hindu Religious Endowments Act with considerable benefit to the institutions concerned. The Bill generally follows the lines of the Madras Hindu Religious Endowments Act in other particulars also with suitable modifications. The proper utilisation of funds endowed by the public for various services in public religious institutions is of paramount importance to the public and I hope that this Bill will be an effective measure to secure this end.

I may also state, Sir, that the Government of Madras is whole-heartedly in agreement with the principle of this Bill. The Bill, after introduction, has been circulated to various provinces. The Honourable the Advocate General of Madras is in agreement with it, and even many of the High Courts, though they do not know the conditions of the City of Madras, are not against the provisions of the Bill. I do not know what the Madras High Court have said. I am told that the Madras High Court are in general agreement, with certain modifications which they propose. These could be considered by the Joint Select Committee.

With these words, Sir, I move.

THE HONOURABLE MR. T. SLOAN (Home Secretary) : Sir, I should like to explain at the very outset of the discussion what the attitude of Government to this Bill is. It is unfortunate, we feel, that this Bill has had to be introduced in the Central Legislature. My Honourable friend has explained the reason for that, namely, that the Bill affects the jurisdiction of a High Court, and under the present Government of India Act, any legislation affecting the jurisdiction of a High Court can only be taken in the Central Legislature. But, Sir, that is a feature of the present Constitution which will be altered in the New Constitution and under the Government of India Act of 1935 the Madras Legislature will itself be competent to deal with this measure. My Honourable friend has said that it is ten years since the original Madras Religious Endowments Act was passed and he is perfectly correct in saying so. It is only now after a lapse of ten years that this Bill is brought in the Central Legislature, and Government feel that that in itself shows that there is no very great urgency about this Bill, and for that reason as well as for another reason which I shall explain Government feel that they themselves are not justified in supporting the Bill. At the same time they will do nothing to put difficulties in the way of the Honourable Member proceeding with it. Official Members will not take any part in the division if this Motion is put to a division but will remain entirely neutral. I have said, Sir, that one reason for taking that attitude is that the matter is not very urgent. Another reason is that the Bill is of a somewhat complicated nature and we feel that its provisions can much better be discussed in detail in the Local Legislature than in the Central Legislature. It is perfectly true, as my Honourable friend has said, that the general opinion elicited by circulation is in favour of the Bill. At the same time circulation has shown that the Bill is susceptible of amendment in certain important particulars, and such amendments can in our opinion best be discussed and considered in the Local Legislature. For these reasons, Sir, we on

[Mr. T. Sloan.]

this side of the House will remain neutral and leave the matter entirely to the non-official Members.

THE HONOURABLE THE PRESIDENT: Will you please tell me when you expect Part III of the new Government of India Act regarding Governors' provinces to be put into operation?

THE HONOURABLE MR. T. SLOAN: Perhaps the Honourable Leader could say?

THE HONOURABLE MR. D. G. MITCHELL (Leader of the House): I regret, Sir, I am unable to give any undertaking in the matter at present.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I support this Motion. The mismanagement of some of the Hindu temples is a blot on the fair name of Hinduism in general and Sanatan Dharma in particular, and it is the sacred duty of every Sanatanist to see that the temples are made ideal places of worship. Such a measure therefore is most welcome and is in my humble opinion long overdue. But, Sir, I have one or two suggestions to offer for the consideration of the Select Committee. I am of opinion that the members of the Board should be elected and not nominated and that only such persons as are Sanatanists, believing in the doctrine of *Murti Pooja*, should have the right of franchise for this purpose. Then it should be provided that no person will be appointed or will continue as a member of the Board, trustee, executive officer or any other employee in any temple who is not a Sanatanist Hindu believing in *Murti Pooja*. Such a provision is essential because the term Hindu is a very wide term and includes within its scope persons who are non-believers in this form of worship and it will not perhaps be in the interests of temples to appoint non-Sanatanists in connection with their administration and management.

Sir, this is the only criticism I have to offer at this stage and I support the Motion for the Bill being referred to a Joint Select Committee of the two Houses.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras: Non-Muhammadan): Sir, I also have much pleasure in supporting this Motion. When the Madras Act was first brought in the Local Council people wanted that the temples of the City of Madras should also be brought under the control of this Board but, as stated in the statement of objects and reasons, there was some difficulty in getting over some of the powers of the High Court under their original jurisdiction, and it was due to this technical reason that the operation of the local Act could not be extended to the temples in the City of Madras. We have found that under the operation of the Act outside Madras City a great improvement has been effected in the management of temples outside the City of Madras. Of course under a new enactment of that kind which brings institutions under its control for the first time some difficulties were bound to be experienced and objections raised by some members of the public who are leaders of opposing factions in a temple. And it is also to be expected that people like this may object to the City of Madras being brought under such an enactment. It is but proper that the Act which applies to the whole

Presidency of Madras should be applied also to Madras City for the better administration and control of the temples situated in the City of Madras.

As regards the remarks of the Honourable Rai Bahadur Lala Jagdish Prasad about the constitution of the Board, there was some difficulty experienced with regard to the election of members of the Board. In the first instance, an electorate has to be prepared and that was found to be a very difficult and a very costly affair, but so far as nominations are concerned, with some exceptions, there is not much to complain of. In course of time it may become necessary that the members should be elected. No doubt some complaints and some general public dissatisfaction also is found in the constitution of the boards. Much depends upon the Minister in charge of the department in the matter of making the constitution suitable to public opinion. If care is bestowed upon it I do not think there will be any difficulty in constituting boards. If election is to be done, it will add to the factions and troubles and will mean going to law courts and consequent expenditure. At present the constitution of the Board with nominated members cannot be changed and hence the Motion made by my Honourable friend is necessary for the administration of temples in the City of Madras.

Sir, I support the Motion.

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, if I rise to intervene in the debate, it is simply because the reasons that have been advanced by the Government to justify their attitude of neutrality have failed to convince me. Sir, the two reasons that have been stated to be the justification for this attitude are, firstly, that there does not seem to be any case for hurry and this opinion is based on the fact that it took nearly ten long years to introduce this Bill in this House after the original Act, Act XXVI of Madras, was passed. It was argued that if there was really any immediate need for such legislation, an attempt should have been made in this House much earlier. To this, Sir, I would reply that if there has been this delay it was not because of the fact that its necessity was not felt in Madras but simply because of the hope on the part of non-official Members here that the Madras Government which had undertaken to move the Central Government to take this step would implement this undertaking; but since all these years the Madras Government, for some reason or other, possibly because of more important and pressing business, did not move the Central Government, my Honourable friend Diwan Bahadur Narayanaswamy Chetti has thought fit that he should take the initiative in the matter. As regards the power which the Madras Government itself would have to legislate in this matter, we have—

THE HONOURABLE THE PRESIDENT: Not at present.

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR: This power is not yet within sight.

THE HONOURABLE THE PRESIDENT: In other words, you want this Bill to be indefinitely postponed or shelved?

THE HONOURABLE SAIED MOHAMED PADSHAH SAHIB BAHADUR: That is why I feel that I am not convinced by the argument that the Madras Government would have in the remote future the power to legislate in this

298

COUNCIL OF STATE.

[24TH SEPT. 1935.]

[Saiyed Mohamed Padshah Sahib Bahadur.]

matter and that we should be debarred from proceeding in this matter. I should have been perfectly satisfied if the Government had justified its attitude of neutrality on the ground of non-interference with religion. If they had said that it was a matter concerning Hindus and therefore Government would not like to interfere in any religious matter—

THE HONOURABLE THE PRESIDENT: Apparently you have not understood the Honourable Mr. Sloan. He has stated that the Government proposes to remain entirely neutral and to leave Honourable Members to decide the question whether they will proceed with this Bill or not.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I have understood him perfectly well. I have been saying that the reasons given for adopting this attitude of neutrality were not quite convincing. The neutrality should have been based on non-interference with religion. I am one of those who feel that the Central Legislature, or for that matter, any Legislature has no business to interfere in matters of religion when similar legislation was before the Madras Legislative Council in 1922. When the Religious Endowments Act was passed I happened to be a member of that body but I refrained from taking part in the debate or in voting since I thought that not belonging to the Hindu religion I could not interfere in this matter. It might be asked, Sir, why I have changed my attitude. It is because I find ever since the Act was passed and ever since the Board was constituted under the Madras Hindu Religious Endowments Act much of the dissatisfaction which was felt in Madras regarding the administration of these Hindu temples and *mutts* has now disappeared. I feel that the management is more efficient and that this Act has tended to improve the control and management of those institutions. That is the reason why I now stand to speak in support of this measure. It was by a mere technical flaw that the Madras Religious Endowments Act could not be applied to the temples and religious institutions in the City of Madras. That was because anything affecting the original jurisdiction of the High Court of Madras could not be enacted by the Local Legislature and only the Indian Legislature had the power to do it. I feel that inasmuch as the whole Madras Presidency is now within the orbit of that Act, there is no reason why Madras City should be deprived of the benefit of the same efficient administration.

Sir, I support the Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Sir, I do not wish to take up the time of the House. I will only

12 Noon.

make a few remarks. Act XX of 1863 is a most unsatisfactory Act. From my experience at the Bar and on the Bench, I can say that it has been a source of endless litigation. When I was at the Bar I had the benefit of *ittoo*. But if anybody takes the trouble to read some of the Madras papers, he will see what amount of litigation the few temples within the City of Madras are the cause of. The time of the High Court is wasted over a number of unnecessary suits—trustees are appointed and objection is taken to their appointment and the suit drags on for months if not years. And I know, Sir, from experience that the time of the High Court is being wasted by unnecessary litigation on account of the unsatisfactory nature of Act XX of 1863, under which these temples in the City of Madras

are being administered. It is therefore very necessary that a better provision should be made for the management of temples and the Religious Endowments Act has done much good to the temples in the districts. The only temples that are excluded from its operation are the temples within the so-called original jurisdiction of the Madras High Court. Sir, it is unnecessary for me to go into all the reasons why these temples were excluded from the operation of this Act and it is high time that they were brought under some sort of better management than can be had under Act XX of 1863. The only possible course to take is to extend the Madras Act. But as has been pointed out the Madras Legislature has not the power to interfere with the original jurisdiction of the Madras High Court, and therefore the only Legislature which can deal with it at present is the Central Legislature. The Honourable the Home Secretary stated that there is no urgency about it and that the New Constitution will be able to provide the remedy. Sir, even if the New Constitution comes into being within say, a year or two, the Local Legislature will have plenty of things to attend to in the beginning and I do not think it will be able to spare the time for legislation of this kind. Unless we have no time, I should think the Government would be well advised in allowing this measure to be passed through this House as well as by the other House.

With these few remarks, Sir, I have much pleasure in supporting the Motion of my Honourable friend, Diwan Bahadur Chetty.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Motion made by my friend, the Honourable Dewan Bahadur Chetty. The management of temples all over India, generally speaking, is going from bad to worse, and no time should be lost in putting the management right. As far as the Punjab is concerned, I am sorry to say that the mismanagement of the temple has now reached a climax. Instead of temples being generally used for worship, they are being run for various other irreligious purposes. The Honourable Mr. Sloan has observed that when the New Constitution comes into being each province can have its own legislation for the control of its temples. I might remind the Honourable the Home Secretary that sometime back a request was made by one of the Honourable Members of the Punjab Legislative Council asking permission to move a Bill for the better control and better management of Hindu temples, and I am sorry to say that the Government permission enabling the Honourable Member there to move the Bill was refused.

THE HONOURABLE THE PRESIDENT: Perhaps this was because the temples are under the original jurisdiction of the Punjab High Court?

THE HONOURABLE RAI BAHADUR LALA RAMSARAN DAS: Well, Sir, as far as I am aware no such or any other reason was given. If, Sir, your conjecture is correct, that is all the more reason why this House should pass an all-India measure since legislation at the centre will be more useful and for various other reasons the permission for such will not be refused as was the case in the Punjab. In case, Sir, it should be necessary, I would request the Honourable Member to alter this Bill and make it an all-India Bill, and in case the Honourable Diwan Bahadur is not prepared to do so, I will take the responsibility on myself.

[Rai Bahadur Lala Ram Saran Das.]

With these words, Sir, I support the Motion and I ask leave that an all-India legislation as regards the better control and management of Hindu temples ought to be made to avoid breaches of the peace and to bring about a sound, good, and up-to-date administration of Hindu temples.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I am in general sympathy with this Bill and also with the suggestion of the Honourable Rai Bahadur Lala Ram Saran Das that there should be an all-India legislation to deal with the administration of Hindu temples. Sir, the reason why the Honourable Diwan Bahadur Chetty has brought this Bill in this Council is that it is the only Indian Legislature that can over-ride the jurisdiction of the Madras High Court, and I think that disposes of the objection that this Bill is of a local character and ought to have been moved in the Local Legislature. In the statement of objects and reasons he has explained the reason why it was necessary for him to move the Indian Legislature very clearly. I think, Sir, there is no harm if this Bill goes to a Select Committee. Assuming the New Constitution to come into being some time next year, our provincial ministers and provincial legislatures will be occupied with more important matters and delay is not desirable in a matter of this kind. I would, therefore, with these few words support the Motion that this Bill be referred to a Joint Committee of both Houses.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY : I would only like to say one or two words with reference to the objections of my Honourable friend Mr. Sloan. His first objection was that the measure is not very urgent. But if it is not taken in hand now, it will have to wait till the New Constitution comes in which may take another two or three years, and meanwhile the state of mismanagement of the temples will continue. Many of the trustees fail to submit their accounts to the Temple Committee, who are the agents of Government. The Madras temples were managed by the Board of Revenue and they handed it over to the Madras Temple Committee and they are now functioning with great difficulty and trouble. Some of the Trustees fail to submit the accounts of the temples they manage, the Committee have not got sufficient powers under the Act to enforce their orders. I may tell you my own experience, Sir. I am the President of the Temple Committee of the City of Madras. The moment this Bill comes into force I will be out of office, and I hope I may be very soon out of office because the troubles with which the Temple Committee is confronted is unimaginable. The Honourable Mr. Sloan said that the Madras Government had been considering the matter for ten years. But there were change of ministries, and their life is not very enviable, and under these conditions you cannot expect legislation of this nature to go through. Even when the new Provincial Government begins to operate it will be another four or five years before the matter is taken up. As a matter of fact, the Madras Government are very anxious that this measure should be passed. I do not see why the Government of India should hesitate to support a measure of this sort. I should have thought it was the duty of the

*Not corrected by the Honourable Member.

Government of India to support it when the Local Government and the Advocate General of Madras are strongly in favour of it. I do not see why they should not support the Local Government in this matter. Whenever the Government of India want to pass measures, they quote as an argument that Local Governments are in favour, but here, when the Local Government want it, they object to it. Sir, I do not think Government have any case. I do hope that they will support the Motion for the reference of this Bill to a Joint Committee. I have brought this Bill as a private measure and it is up to the Government of India to support it. I thank all non-official Members who have supported me, and I do hope that this Motion will be passed.

THE HONOURABLE THE PRESIDENT : Motion made :

"That this Council do recommend to the Legislative Assembly that the Bill to provide for the better administration and governance of Hindu Temples in the City of Madras and the endowments attached thereto be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 12 Members."

The Question is :

"That that Motion be adopted."

The Motion was adopted.

RESOLUTION *RE* INCREASE IN NUMBER OF CADETS ADMITTED TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, the Resolution which stands in my name runs as follows :

"This Council recommends to the Governor General in Council that the number of cadets admitted in the Military Academy, Dehra Dun, be raised from 60 to 120."

Sir, the Defence Sub-Committee of the Round Table Conference recommended to the Government of India the constitution of a Military Expert Committee to go into the question of the establishment of a Military College in India where cadets in all arms will be trained with a view to accelerating the pace of Indianization of the Indian Army, and they stated that when new reforms are to be given to India, it should be the increasing concern of the people of India to manage their army and not of the British Government alone. Sir, I do not want to read the Resolutions of the Defence Sub-Committee and take up the time of the House unnecessarily, but I want to submit, Sir, that the Committee which was constituted by the Government of India on the recommendation of the Resolution of the Defence Sub-Committee failed to take into consideration two vital matters about the pace of Indianization and the annual intake of cadets. Sir, I do not think this is an occasion to lodge a protest against the decision of the Government of India not to allow the Committee to fix the annual intake in the Military College. Views on that point have been very clearly stated in the Minutes of Dissent to the Chetwode Committee by the non-official Members. The Government decided that the non-official members of the Committee had no power to fix the number of the intake as they had already decided in consultation with the British Government to take only 60 cadets annually. I want to say a few words only from the point of view of the young Indians who aspire a military career in this country. I put a question on this point to His Excellency the Commander-in-Chief and if my calculations are correct, I believe

[Mr. V. V. Kalikar.]

that since the Indian Military Academy was established, only 235 cadets have been taken both by open competition and from the Indian Army, while according to the number fixed, 60, there ought to have been 240 cadets. If I am incorrect, I hope His Excellency the Commander-in-Chief will correct me on that point. To make this point more clear, I will read out the question and answer. I had asked :

"Will Government be pleased to state the number of cadets admitted to the Indian Military Academy since it was started?"

and the answer was :

"By open competition 114 and Indian Army Cadets 121".

That comes to 235. According to the number fixed by Government, namely, 60, the total number ought to have been 240. So I assume—I may be wrong, but I assume—that there might be some wastage and that is why only 235 cadets have been admitted. I therefore submit that there is some wastage and Government are not in a position to commission even the fixed number of 60 officers per year. In answer to a question of mine, His Excellency the Commander-in-Chief said that in December, 1934 and June, 1935, only 47 cadets were commissioned to pass out of the Military College. Taking this into consideration, there is a deficiency of 13 cadets. I leave the question of accelerating the pace of Indianization because that question has been debated so many times here, and various authoritative pronouncements from official and non-official sides have been made on that point. But I want to submit that Government have not been able to turn out and give commissions to even as many cadets as they had fixed beforehand. For that purpose, Sir, I make a very, very moderate request in my Resolution that the present number, which is 60, should be increased to 120. I find from the proceedings of the Interview and Record Board of 1933 that the candidates who came for the open competitive examination were found not to have the necessary qualifications which would make them successful in the open competitive examination and so gain admission to the College. At the same time I am very glad to find a remark made by them to the effect that some of the candidates they examined were found quite capable of standing the test and of carrying out their training in the Military College successfully. They say :

"In the present case the Board had the satisfaction of having before them a small number of candidates whom they regard as exceptionally suitable and to whom they award the maximum of marks".

Further, they say :

"Following these came a considerable number of first class candidates, the best of them not much inferior to the best ones, and thereafter a somewhat smaller number who might be described as second class".

I further find in the report of the Board of 1934 that there were some candidates who were not much above the border line, but they say some of them who were young may improve if they persevere. Then they stated that some of the candidates who have appeared before them do not get the facilities of attending regular parades in the University Training Corps or on account of their being required to attend course in their Colleges. This is exactly what they said :

"A considerable number of candidates of course had no opportunity of rendering any service of this kind being either ineligible to join the Auxiliary Force (India) or

INCREASE IN NUMBER OF CADETS ADMITTED TO THE INDIAN MILITARY ACADEMY, DEHRA DUN. 303

having been at a college or school where there was no Cadet Corps or University Training Corps. Many candidates who had taken science subjects said they were unable to join the University Corps because the hours fixed for laboratory work did not leave them free to do so".

I also find that the Indian Sandhurst Committee said that if proper facilities are given to Indian youths and if Indian youths are encouraged by Government as well as by the public to take to a military career, there will not be a dearth of young men ready to enter the Indian Military College and to adopt a military career. From my own personal experience of students I find that there is a growing tendency nowadays to look to a military career for their future avocation. We all know, Sir, how those who pass out of our Universities find every avenue crowded and no employment offering. It is perhaps not a healthy sign but at the same time I appreciate the idea that young men have now begun to take an interest in military affairs. They read books; they willingly join University Training Corps; they attend parades and they really want to take up a military career. So my humble request is that it is for us, for the public and for the Government to encourage these youths in our country to qualify themselves so that they may be able to take part in the national defence of their country.

Lastly, Sir, His Excellency the Commander-in-Chief is shortly leaving India. He has taken, I know, great interest in accelerating the pace of Indianization, though he has not been successful to the extent which we would have liked. We know his limitations. But I would request that, in the event of any catastrophe occurring to which the war clouds hovering over us seem to point when the Government may not be in a position to start a temporary school as they started in Indore during the Great War, they should be ready from now. And if they increase the number of cadets as I have suggested, then they will be in a position to turn out more officers. I may submit here also that I have recommended substantially the same number as that recommended by the Shea Committee of 1922. The Shea Committee enunciated proposals to Indianize the whole personnel of the Indian Army within 30 years and recommended also the establishment of a Military College in India with an average annual output of 81 cadets during the first period of Indianization of 14 years, 182 cadets during the second period of Indianization of nine years and between 88 and 106 cadets during the third period of Indianization of seven years. I know, Sir, that the Sken Committee, that is the Indian Sandhurst Committee, decided upon this number of 60. But after the report of the Sken Committee was published the resolutions of the Defence Sub-Committee were passed; and therefore, Sir, if Indianization is really to be increased, from that point of view also I calculate that the figure which has been fixed by the Government is too low and therefore they should increase it to 120. I therefore, Sir, request the House to accept my Resolution.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I think I may be permitted to wonder why this Motion, or motions similar to this, are brought up almost every session. It does seem curious that some Honourable Members think that the fact of bringing motions like this and making speeches on this subject will cause His Majesty's Government and the Government of this country to alter or increase the rate of Indianization, which rate was settled by them after the most earnest and serious consideration of all the points involved. It was a fundamental issue—the Indianization of the Indian Army—and it is

[His Excellency the Commander-in-Chief.]

impossible to think that responsible Governments can be moved from a well considered and carefully thought out policy before the first fruits of that policy have had time to prove themselves. This annual intake of 60 young men is governed entirely by the number of officers that are required to fill the officer cadres of the units which have been told off for Indianization—15 fighting units and the commencement of an artillery brigade and the commencement of the services and departments. So far from being able to accept a Motion like this and being able to advise the Government to increase the rate of Indianization to the abnormal amount the Honourable mover suggests, I go so far as to say that if I was asked by the Government now I should have to tell them that I did not feel at all sure whether the rate of Indianization could be increased very much as things are going now. This is the last time probably that I shall have the privilege of addressing this House before I finish my military career. I have taken the deepest interest in the teething stage of the new Indianized army. (Applause.) I have done my best for it and I have started it on its way with I think one of the most efficient (Applause) military colleges that I have ever seen either here or abroad. But I do not disguise from you and from this House, Sir, that I am not altogether happy about the progress we are making in regard to young Indian officers. May I say with all the emphasis at my command that the whole success of Indianization depends on the class of young men we get to lead the Indianized army. We have no doubt whatever that the material from which we find non-commissioned officers and sepoy of the Indian Army is good, as good as you can get anywhere, but I cannot say that I feel the same confidence about the young men who are coming forward for commissions. I hasten to say that the ones we have got and have turned out and are in process of turning out from the Indian Military Academy, Dehra Dun, are universally acknowledged to be as good specimens of young Indian manhood as it would be possible to find, but we are not getting enough of them. We military authorities are only able to get the bare minimum we want and the 15 we get at each examination for the open competition and the 15 we get from the Indian Army are just about all we can get of the stamp we really want, while those candidates who come from the Indian States are getting less every year and their quality is not improving. Now, it is not too much for me to say that a very large proportion indeed—I am choosing my words very carefully—a very large proportion indeed of the young men aspirants who come before the Interview and Record Board before they sit for the examination are absolutely unsuited ever to be officers and to lead men; and yet, Sir, I know such young men exist in India, but they are not coming forward. The country does not appear to appreciate what is really wanted in an officer. There is a large number of parents who seem to think that the army is merely a well-paid profession which will increase the social status of their sons. Some candidates, I understand, are even run by syndicates. We have only found one so far and he very naturally disappeared very quickly.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): May we know who it was, Sir?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: No, that would not be fair. The public do not seem to have a proper idea of what are the essential

characteristics of an officer and many of those young men who present themselves for our examinations have no idea whatever of what life in the army is really like. We find that the education of both the open candidates and the Indian Army candidates is not at all what we really should have in the case of young men presenting themselves as candidates for officers. We in the army have done our best to rectify that. We have got the Prince of Wales' School at Dehra Dun and we are taking the greatest trouble to make what we call the King George's Schools at Jullundur, Jhelum and Ajmer into efficient places where primary education is given especially to the sons of our own sirdars; but the education is so bad among the candidates who present themselves at the examination that, setting aside the marks of the Interview and Record Board, we have been compelled to pass candidates who obtained only 43 per cent. of the aggregate marks. Now, Sir, that standard is not enough; it is not enough for an officer who will have to undergo examinations during the whole of his career. Certain people in India seem to think that if a young man can pass so easy an examination as that and learn a little drill he is fit to be responsible for the training of men in peace and to lead them in war. Again, we have had Indianization going now ever since 1923 and only two candidates have passed into the Staff College. It is no use thinking that you will Indianize your army by merely producing regimental officers; you must produce staff officers and leaders as well and they are not coming forward. There are some people who are inclined to suggest that the Indian Army cadets whom we admit do not come up to the standard of the open cadets and that therefore the open cadets should be increased at the expense of the army cadets. If we in the King George's Schools and in our regimental schools do what I hope to do I feel that in the end the army cadets may prove to be the best. But we are not getting the class of young men coming forward for commissions in the army that we get in Europe. We are not getting young men who are the natural leaders of this country. We are not getting the sons of the sirdars and big zemindars and leaders and we are getting practically nothing from the States. Why, I do not know. The Indian Army protects the States just as it protects British India. But for some reason or other, young men of the princely or noble families or sirdars in the States seem to think that it is not worth coming to serve India in the army. And in British India it is the same. We do not get the same class presenting themselves for officers as we get in other countries. I can at any moment in England get hundreds of candidates all of the right class from families who have been accustomed for generations to offer their sons in the service of the country. I do not seem to be able to get them here. I beg of you to realise that that is very serious and that, if we do not get more of the right class of young men, Indianization will not be the success we hope it will.

May I also, Sir, for one minute, refer to a rather serious matter with reference to Indianization, and that is the amount of communal, religious and political influence that people are endeavouring to exercise on me and my officers in questions affecting the discipline and the careers of young officers. This year and last year I was unfortunately forced to get rid of a certain number of young cadets who were at the Indian Military Academy. They were given every chance, some of them a term extra, and they failed, and it was

[His Excellency the Commander-in-Chief.]

not the slightest use offering commissions to young men who were inefficient. In two cases I was absolutely bombarded—that is the only word to use—with requests from religious dignitaries and politicians of the class to which the cadet happened to belong to “remedy these injustices”. Now, Sir, we have a rule in the British Service, which I emphasised when I first took over command, that if any communication whatever is received by the War Office, the Army Council, or by me or any of my officers, trying to push the claims of any officer in the Service for advancement or to push his claims if he happens to be in trouble, that officer will be held to know that that communication has been sent on his behalf and he goes down to the bottom of the list. Now, I have no hesitation in saying that for the two months that I am in command now before I go, and on behalf of my successors, this rule will be rigidly enforced in the case of all officers in the Indian Army. I suggest, Sir, that if there was the slightest suspicion in this country that an officer or man could escape from the consequences of misbehaviour or inefficiency by invoking political or religious influence, Indianization would be dead—I will go so far as to say it would be dead and damned. It is bad enough in England where we are more or less of one religion, but if officers or non-commissioned officers or men thought that they could escape from the consequences of any trouble they had got into by appealing to communal or political influence in this country, it would simply ruin your army.

I am sorry, Sir, to have to make my last speech before this House on a note of pessimism but I do so because I have a deep and sincere interest in the future of the Indian Army. I know you have got these young men in India. They are there. They are fit to lead your army but they are not coming forward, and I can only hope that what I have said today may be taken note of throughout India and that you will get them.

Sir, I feel compelled to oppose the Resolution.

THE HONOURABLE THE PRESIDENT: I would remind the Honourable Members that we have an important engagement today and I would like to conclude the work of the Council before one o'clock.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Resolution. Whatever His Excellency the Commander-in-Chief has said is true, but I would ask His Excellency what remedy he suggests for improving the quality of cadets who offer themselves. After all, it is the duty of the Government to see that the right sort of education is given to the youth of India. As far as I know, Sir, after the establishment of the Ministry of Education in the Government of India, education has been going from bad to worse. The kind of boys produced by our schools have not been at all satisfactory. I know that the batches of students who had had education in the earlier times were totally different from the batches that are turned out now. I am not only talking about the education of our young men but also of their training so as to make them fit as good countrymen of this great country of ours. I would, therefore, Sir, suggest that, as His Excellency has also given his testimony that the product of these schools is defective and is not of the right kind, Government should make an endeavour to improve the standard of education. You are now

turning out students who for want of proper education do not care for their parents, do not care for the Government and do not care even for their God. Therefore, Sir, it is very urgent that serious steps should be taken to mend matters. The Punjab Government was good enough to establish a Mechanical Engineering College at Lahore for mechanical training and after a few years of its working the Railway Board said that the product of that College was not up to the mark and they were not going to employ passed students from this College, the MacLagan College, Lahore. Sir, as I have been taking a keen interest in mechanical education, I approached the authorities concerned and I impressed upon them that when the Punjab Government has incurred more than a million rupees in capital expenditure towards the establishment of that College and as the Government was maintaining the College at the expense of over a lakh of rupees every year, it did not seem right that after all the product of that College should be rejected for lower qualifications. The railway authorities said so though they themselves (the railway officers), were in a majority on the College Board of Management. I requested the then Chief Commissioner of Railways to consider that when there was a majority of railway officers on the Board of Management of the MacLagan College, there was no reason whatsoever why the Railway Board should reject the product of that College in railway service. The Punjab Government was good enough then to meet the demand of the Railway Board and the syllabus of that College was improved a great deal. I wish His Excellency to kindly move in right earnest and to suggest some practical methods how and in what manner the product of various schools can be made to meet requirements. After all, Sir, we want more and more young men to enter the army and to qualify themselves for being eligible for selection. Our passing this Resolution will help His Excellency in this matter.

(The Honourable the President then called upon the Honourable Mr. V. V. Kalikar to reply.)

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): I would like to speak, Sir.

THE HONOURABLE THE PRESIDENT: This question has been argued times out of number in this House and it is in the President's discretion to allow or not allow further debate on this question after the complete and lucid speech made by His Excellency the Commander-in-Chief. I therefore called upon the Honourable the mover of the Resolution to reply.

THE HONOURABLE MR. V. V. KALIKAR: Sir, I was very glad to hear certain remarks made by His Excellency the Commander-in-Chief. The first remark that he made is that parents are taking pride that their sons should adopt a military career as they thought that a military career will be paying. I am extremely glad to hear that remark. The other remark made by His Excellency the Commander-in-Chief is that there is fine material, but the material is not coming out. I was extremely glad to hear this remark also that there is fighting material in my country, but there are certain difficulties. Certain facilities are not afforded to that fighting material and therefore the required number is not coming forward. I therefore suggest, Sir, to His Excellency the Commander-in-Chief and the Government that if the present method of intake

[Mr. V. V. Kalikar.]

is hard, or if the test fixed for competition is hard, they should mend it or find out ways and means or appoint a committee so that the fighting material which is shy and which is not coming forward should do so. They should devise ways and means for that. I understand that the cadets who used to be sent to Sandhurst and Woolwich up till now have been stopped. If my information is correct, then my case becomes much stronger for increasing the number of cadets admitted into the Military Academy. I understand that about 26 cadets used to be sent to Sandhurst and Woolwich and if that is so, then I submit that at least that number should be added to the annual intake, if His Excellency is not willing to accede to the request made in my Resolution. They will then find more commissioned officers passing out of that College, even making allowances for wastage. I therefore request the Government seriously to consider the situation and find out ways and means or appoint a Committee to devise means for taking more cadets into the Military Academy.

With these words, Sir, I commend my Resolution for the acceptance of the House.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council that the number of cadets admitted in the Military Academy, Dehra Dun, be raised from 60 to 120."

The Question is:

"That that Resolution be adopted."

The Motion was negatived.

The Council then adjourned till Half Past Ten of the Clock on Wednesday, the 25th September, 1935.

COUNCIL OF STATE.

Wednesday, 25th September, 1935.

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.

QUALIFICATIONS FOR APPOINTMENT IN THE WATCH AND WARD ESTABLISHMENT.

120. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state what action, if any, they have taken on my question No. 224 of the 5th September, 1934, regarding qualifications for appointment in the Watch and Ward establishment?

THE HONOURABLE MR. T. SLOAN: Government consulted the Public Service Commission on the Honourable Member's suggestion that educational qualifications should be prescribed for recruitment otherwise than through the Public Service Commission, and in agreement with the Commission decided that heads of offices could safely be trusted to see that men whom they recruited were sufficiently well educated to do their work. For the Watch and Ward staff men who have studied up to or passed the Matriculation Standard are selected, provided they are otherwise suitable.

ASSISTANCE TO THE HANDLOOM INDUSTRY.

121. THE HONOURABLE MR. P. N. SAPRU: (a) Was the question of assistance given to the handloom industry by the Government of India considered in July last at the Conference of Provincial Directors of Industries?

(b) Were any conclusions arrived at at this conference?

(c) Do the Government of India propose to give any more assistance than they have been so far giving to this industry?

THE HONOURABLE MR. D. G. MITCHELL: (a) Presumably the Honourable Member is referring to the Industries Conference which was held in July, 1934. If so, the reply is in the affirmative.

(b) Yes: They are set out in Bulletin No. 52 of the Bulletins of Indian Industries and Labour.

(c) Yes: They propose to give at the rate of Rs. 5 lakhs a year during each of the next three and a half years, i.e., up to October, 1939, or about Rs. 24½ lakhs in all.

PLIGHT OF SUGAR FACTORIES IN THE UNITED PROVINCES.

122. THE HONOURABLE MR. P. N. SAPRU: (a) Is it a fact that many sugar factories, particularly those situated in the western districts of the United Provinces have been finding themselves in considerable trouble?

(b) Have Government considered whether the plight of these factories is due to the imposition of the excise duty on sugar?

THE HONOURABLE MR. P. C. TALLENTS: (a) The Government of India understand that certain sugar factories, especially in the western districts of the United Provinces, experienced difficulties during the season of 1934-35 owing to a partial failure of the local crop of sugar-cane. As a result of this shortage they found it necessary to import cane from other districts at higher prices and had to close their working season earlier than usual.

(b) The plight of the factories was, as stated, due to the partial failure of the crop.

VALUE OF GOLD EXPORTED FROM INDIA.

123. THE HONOURABLE MR. P. N. SAPRU: Will Government be pleased to state the total value of gold exported from Bombay to Europe since England went off the gold standard?

THE HONOURABLE MR. P. C. TALLENTS: The total value of gold exported from India between the 2nd September, 1931 and the 7th September, 1935 was approximately Rs. 254 crores. The major portion of it was exported from Bombay. Separate figures for export from each port are not readily available.

AERONAUTICAL TRAINING CENTRE, DELHI.

124. THE HONOURABLE MR. P. N. SAPRU: (a) Is it proposed to establish a centre of aeronautical training at Delhi?

(b) Is it a fact that Madras, the United Provinces and Karachi Flying Clubs have taken objection to the establishment of this centre?

(c) Are the flying clubs in a position to give the requisite training?

(d) Has Government considered whether the new centre proposed at Delhi is likely to compete with the flying clubs in the matter of aeronautical training?

(e) Has Government considered the suggestion that the existing flying clubs should be utilised as centres for preliminary training of those who wish to take up aviation as a profession?

THE HONOURABLE MR. D. G. MITCHELL: (a) A Company has been formed to establish and maintain an aeronautical training centre at Delhi.

(b) Certain subsidized flying clubs have objected to the establishment of the Centre.

(c) The flying clubs are able to train pilots for "A" and "A-1" pilot's licences and ground engineers for licences in categories "A" and "C".

Not all the flying clubs are in a position to give the training in night flying required for the pilot's "B" licence, and it is probable that certain flying clubs only will be in a position to give instruction in instrument flying, which will, in future, be necessary to meet the international requirements of the pilot's "B" licence.

The Aeronautical Training Centre will specialise in advanced instruction.

(d) and (e). Yes. It is understood that the Aeronautical Training Centre will give preference in admitting pupils to a certain number of men who have obtained their preliminary training at the flying clubs.

PROPORTION OF PURCHASES ACTUALLY MADE BY STATE-MANAGED RAILWAYS THROUGH THE INDIAN STORES DEPARTMENT.

125. THE HONOURABLE MR. P. N. SAPRU: Will Government be pleased to state what proportion of the purchases of State-managed Railways is actually made through the Indian Stores Department?

THE HONOURABLE SIR MAURICE BRAYSHAY: During 1934-35, the percentage of stores purchased by State-managed Railways through the Indian Stores Department was 31½ per cent. of the total. This percentage has been calculated on the total purchases of stores made by those railways. There are, however, certain classes of stores, which are not handled by the Indian Stores Department such as stone, bricks, lime, ballast, etc. Also the purchase of certain stores (rails, fish-plates, I. R. S. wagons and underframes, sleepers and coal) is centralised under the Railway Board. These items should be excluded in forming an idea of the extent to which the railway purchases have been transferred to the Indian Stores Department. The proportion of Indian Stores Department purchases on this basis may be taken to be 60 per cent. approximately.

APPOINTMENT OF SIR OTTO NIEMEYER.

126. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: With reference to the appointment of Sir Otto Niemeyer to make financial inquiries preliminary to the introduction of the New Constitution, will the Government be pleased to give the following information:

(a) Are there going to be Central and Provincial Committees to work with him on the lines of the Delimitation Committees? If not, why not?

(b) Will officials and non-officials be called to give evidence? If not, why not?

(c) Will the Central and Provincial Legislatures have an opportunity of discussing the report before it is finally accepted by the Government?

THE HONOURABLE MR. P. C. TALLENTS: (a) No, because the problems to be examined by Sir Otto Niemeyer are highly technical and have no affinity with the problems to be examined by the Delimitation Committees.

(b) The Provincial Governments will place all material which they consider relevant before Sir Otto Niemeyer in writing or orally through their official representatives, and Sir Otto Niemeyer will be at liberty to call for any further information which he may require. The question of taking evidence from non-official bodies is one for Sir Otto Niemeyer himself to determine. As far as the Central Government is concerned, they are quite prepared to transmit written representations. I have no doubt that Provincial Governments will do the same.

(c) I cannot say whether His Majesty's Government will require expressions of opinion from the Central and Provincial Legislatures before arriving at final conclusions.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Was the Government of India consulted when this appointment was made or when the terms of reference were drafted?

THE HONOURABLE MR. P. C. TALLENTS: This is a matter between the Government of India and the Secretary of State and I am not prepared to reply.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if there is any difficulty in replying?

THE HONOURABLE THE PRESIDENT: That is a hypothetical question.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Sir Otto also make recommendations about the financial relations between British India and the Indian States?

THE HONOURABLE MR. P. C. TALLENTS: That, Sir, is not within the terms of reference, as the Honourable Member will see if he will read the press communiqué.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state how long this inquiry will take?

THE HONOURABLE MR. P. C. TALLENTS: I am unable to say how long it will take.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if the inauguration of provincial autonomy will be delayed if the report of this inquiry is delayed?

THE HONOURABLE THE PRESIDENT: That is a mere matter of opinion. I disallow the question.

CRIMINAL LAW AMENDMENT BILL—*contd.*

THE HONOURABLE THE PRESIDENT: Discussion will now be resumed on the Bill to amend the Criminal Law.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, when this measure was under discussion before us in 1932 it was claimed on behalf of the Government that it was brought for the consent of the House for dealing with the civil disobedience movement. It may be said that the then Home Member also said that the measure was aimed also at terrorism and communism, but the speeches that he made then in the other House clearly show that his intention then was simply to deal with the civil disobedience movement and no other movement of any kind. I infer this from the position that existed at that time, because, Sir, the civil disobedience movement, some months ago in 1932 when this Bill came before us, was in full swing and in 1930 certain Ordinances were passed and with a view to incorporate the provisions of the Ordinances in a Bill they brought this measure before us for our consent. Sir, with your permission, I will refer to two short passages in Sir Harry Haig's speeches wherein he said that this Bill was mainly devoted for putting down the civil disobedience movement. He said:

"The objects of the Bill were to deal with the manifestations of the civil disobedience movement and in particular to deal with certain forms of intimidation, particularly picketing and boycotting, with certain matters connected with unlawful associations and with

control of presses. On the foundation of this Bill which is before the House which was intended to apply to manifestations of the civil disobedience movement which are apt to occur throughout India, various Local Governments have also introduced supplementary legislation in their Local Councils, legislation which appears in general, though of a more drastic character than the proposal before this House, to be receiving the approval of the Local Councils".

Then, Sir, he further said that if this movement were to be abandoned or if this movement were to disappear in a short time this Bill would lapse. He said:

"We 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 will have been fully appreciated, and the negative, destructive and non-co-operative mentality, which under the influence of success or supposed success, has been flourishing so long will have been finally discredited and when it has been discredited, then, Sir, let this Bill lapse. In any case within three years we hope that the decision as to the continuance or discontinuance of these provisions will lie in other hands than ours".

Especially the last sentence in this quotation shows, Sir, that Government had in mind the suppression of the civil disobedience movement and they clearly told us that as soon as the movement disappeared they would not find any necessity for repeating the Bill. Taking into consideration that position, Sir, I am afraid I must remark that Government have broken their pledge in this respect. It may be said that certain provisions of the old Act have not been repeated in this Bill, but I submit, Sir, that from the position that the Government had taken at that time and from the speeches which the Government spokesman made at the time it was perfectly clear to the country that this measure was meant for putting down the civil disobedience movement and for nothing else.

Then, Sir, I submit that the Government have no case practically for bringing this measure before us at this time because they themselves have claimed that this measure was meant for civil disobedience which is now in abeyance. It is now claimed on behalf of the Government that the measure has been brought before us for dealing with three sorts of evils, terrorism, communism and communalism. They further say that they have brought this measure for allowing the future Government to function smoothly. In my humble way I will try to examine whether their claims are legitimate or not. Sir, so far as terrorism is concerned, I and the Government see eye to eye with the legislative methods, but my submission is they have failed to take into consideration the root causes of terrorism and therefore have not been able to eradicate this evil from the country. The cult of terrorism is a foreign thing to Indian tradition and Indian culture. We Indians in general and Hindus in particular are non-violent in thought, are non-violent in deed, and we hate terrorism in whatever form it is. We desire this country should be purged of this cult. We will try our utmost to help the Government in purging this country of the evil of terrorism. But the past experience of the last 30 years tells us, and tells us clearly and definitely, that the measures adopted till now by the Government have totally failed to stamp out this evil. It is said—and some of the responsible Members of the other House have said—that terrorism started since the old partition days. Since that time Government brought on to the Statute-book various repressive laws, various Acts, the Seditious Meetings Act, 1907, the Newspaper Incitement Act, 1908, the Criminal Law Amendment Act of 1910, the Indian Press Act, 1910, another Criminal Law Amendment Act of 1913, the Defence of India Act, 1915, and

[Mr. V. V. Kalikar.]

other repressive legislation. Now, Sir, all these repressive measures have been passed since terrorism started in a particular province in this country. But why has not terrorism been stamped out? Sir, in my humble opinion it appears that the root cause of this terrorism has not been properly diagnosed. If the Government had properly diagnosed the root cause in the very beginning, then this cult would have vanished from this country long ago. Statements and very responsible statements have been made in the other House. I refer to the speech of Mr. Akil Chandra Dutt, the Deputy President of the other House, where he has given the genesis of the terrorist movement in Bengal. He says—and many other Bengali friends say—that the repressive measures which the Government have passed have been administered very severely, that innocent people have been brought under the clutches of the law and in fact they state that there is terrorism on both sides in Bengal. Terrorism on the side of the terrorists and terrorism on the side of the Government. I have no doubt that the statements made by these responsible persons are correct. If that is so, Sir, then I submit Government have failed in their duty of protecting the country as a whole by not stamping out this evil and by not taking proper measures to prevent terrorism from spreading to other parts of the country. I am told, Sir, that terrorism exists in the Punjab. Some of my friends in the Punjab say that terrorism started after the Rowlatt Act was passed. After the Jallianwalla Bagh affair those incidents took place. If that is so, Sir, who is responsible for the spread of terrorism? Even big statesmen, people who cannot be accused of holding extreme views in India, say that if Government had tackled this problem from the economic point of view instead of tackling it from the political point of view, they would have helped in suppressing this movement. Sir, I do not want to quote the speech of His Excellency the Viceroy before the European Association in 1934 but the sum and substance of his speech is, that if these misguided youths are given employment, if these misguided youths are shown a way of public service, this cult of terrorism would disappear. Sir, I know the present Governor of Bengal is trying his utmost, but, I must remark that they are very late in taking these measures and it is no wonder this cult of terrorism has lasted for such a long time.

Now, assuming for argument's sake that this measure is needed to stamp out terrorism, I submit the Government of India is not justified in imposing this form of all-India legislation on other provinces. In my province there is no terrorism at all and I submit that if they had consulted the Government of my province, I believe they would not have given their advice to the Government of India to put a measure of this sort permanently on the Statute-book. My Madras friends say that there is no terrorism in Madras. I have no ground for thinking that their statement is not correct. Then what is the use of this all-India legislation? If terrorism really exists in the Punjab and Bengal, as they say, there are already special measures to deal with this cult, special measures have been passed recently in the Punjab and Bengal, and on that ground also I see no necessity for this all-India measure. I submit that we hate this sort of thing and we will be with Government provided they bring forward proper measures to eradicate this evil from the country.

Then, Sir, they say that this measure is intended to suppress communism. Now, Sir, I may submit that the ideas of communism are quite foreign to this land, they cannot take root in this country, and who, may I ask, is responsible for these ideas? People in the western countries who have developed these ideas and printed books on these questions—I say they are responsible for spreading the ideas of communism in India. In England various books by various authors have been written on this subject. If really you do not want—as I certainly do not want—communism to spread in India, you ought to stop the spread of this sort of literature in England. But you cannot do that because you are responsible to Parliament. If you try to do that sort of thing there, you will be removed. Here you know you are not responsible to us and therefore you can pass any sort of measure. I know many of us will not like the idea of communism taking root in India and that also for a very good reason. But if you allow this sort of literature to go on in circulation in England it is no fault of ours that some misguided youths read these books and take up those ideas. I may bring to the notice of this Government, Sir, the learned judgment of the Calcutta High Court. Your High Court judges say that it is no offence to express such ideas. They are perfectly right, because they wish that you should rule India by rule of law and not by decrees passed by the Executive. So far as communism is concerned, we hate it, but it is for you people in England to see that this sort of trouble does not spread to India. It is no use for you to come to us with this sort of measure. We will support you. We do support you provided there is an overt act on the part of the communists which leads to violence. But when you admit that a communist can express his views with impunity you can not say that he should be muzzled and he should not be allowed. I therefore submit, Sir, that the fault lies with you and not with us.

Then, Sir, the third evil of communalism for which this measure is alleged to have been brought to deal with should also be taken into consideration. Sir, communalism of the type which Government avers to exist in this country does not appear to me to exist. But I must admit, Sir, Government as well as the two or three major communities of India are responsible for the spread of this trouble. What of the special representation? What of the special electorate? What of this communal award? Do Government really believe that these things are meant to stop the evil of communalism? You cannot hope to eradicate this evil of communalism unless you do away with all these things. Communalism, according to my humble opinion, started long ago, when Lord Minto received that famous deputation for special electorates. If this evil had been nipped in the bud at that time, if no special facilities had been given to one community or the other, then this evil would not have manifested itself in the way in which we find it at present in certain parts of the country. My submission therefore is that Government are to a certain extent responsible for the existence of this evil.

I now come to the sections dealing with the Press, picketing and unlawful associations. Sir, the Press and the newspapers are responsible for educating the adults of this country just as educational institutions are responsible for educating the youths. Newspapers are responsible for bringing about a change in the mentality of the adults. Newspapers have helped in measures of political emancipation, in

11 A.M.

[Mr. V. V. Kalikar.]

measures of industrial development, and in measures of reform in this country. If a few newspapers which you call the gutter press do make attempts to circulate certain articles, we do not appreciate that attitude. But for the fault of a few newspapers or journalists, you want an all-India legislation of such a severe type that you want to muzzle the press, and to stifle legitimate discussion on public questions. An argument has been advanced that the ordinary law of the land is quite insufficient to deal with this trouble. The other day, my Honourable friend quoted sections from the Indian Penal Code and the Criminal Procedure Code which he considered quite sufficient to cope with the situation. I do not want to quote them again. I agree with the Government that the ordinary law of the land is not sufficient to deal with the situation, and why? Because, under the ordinary law, you have to take the accused to a court of law; you have to presume his innocence and to give him an opportunity of pleading his case before the court. He also gets an opportunity of going in appeal, and if the high courts or the appellate courts find that your case is not a true one, the man is let off. I quite see your point that the ordinary law of the land is not sufficient, because you do not want them to be heard. That is why you want to pass such a drastic measure whereby you can convict the men behind their back, and you do not want to give them an opportunity of being heard.

THE HONOURABLE THE PRESIDENT: Are there no other countries where there are special laws?

THE HONOURABLE MR. V. V. KALIKAR: I wanted to deal with that point. These English people have very great faith in parliamentary institutions; they have very great faith in democracy. They must come forward now and say they have no faith in parliamentary institutions; they must say that all these legislatures and all these high courts are a farce; they must say that they have no faith in democracy; they must come forward and say that they want to rule as Mussolini wants to rule in Italy or as Hitler wants to rule in Germany. Then I will agree with them. But with their faith in parliamentary institutions and democracy they should not bring such a measure forward. In Germany people are sent to jail without trial. But that is not the point here. If the Government really want to substitute executive power for judicial judgment, then their measure is quite reasonable. But so long as they do not wind up the whole show of these high courts, appellate courts, the Indian Penal Code and the Criminal Procedure Code, they have absolutely no right under modern conditions to bring in such a measure. Sir, I am really surprised that a modern Government, which has very great faith in parliamentary and democratic institutions, should come before this House with such a measure which only a Hitler or Mussolini can bring in his country before his Parliament. The Government have no respect even for the very high courts they have established. My Honourable friends, Mr. Sapru and Sir Phiroze Sethna, cited the remarks of Sir Lawrence Jenkins. I do not want to repeat those remarks. The Bombay, Madras and Calcutta High Courts have unequivocally held that any sort of writing can come under the provisions of a Bill of this nature. So, this measure will not help to eradicate the evil of the gutter press, but will really stifle legitimate criticism by the Press of the actions of the Government which they do not want them to criticise. I cannot do

better than read the remarks of Mr. C. Y. Chintamani, ex-Minister, who was President of the Conference at Calcutta. This is what he said:

"We can but cry, and have no language but a cry. But while in one breath we are mockingly told that while the dogs bark the caravan passes on, even the consolation of a cry or a bark is grudged to us and laws have been placed on the Statute-book in restraint of our legitimate liberty to speak out our mind".

You cannot accuse Mr. Chintamani of holding extreme views; you cannot accuse him of being a terrorist, or a communalist or a communist. But the feeling that exists in this country so far as this legislation is concerned is clearly indicated in his speech. Therefore I submit that this measure does not become a modern Government like the British Government we have in India. I want to bring to the notice of Government one item of news from England. If you will allow me I will read from a newspaper cutting.

THE HONOURABLE THE PRESIDENT: No, I will not allow you.

THE HONOURABLE MR. V. V. KALIKAR: Then I will only tell the House that newspapers in England are also used by burglars. There is a newspaper there called *The Burglar's Times*.

THE HONOURABLE THE PRESIDENT: Do not burglars read newspapers in this country?

THE HONOURABLE MR. V. V. KALIKAR: I am glad that our burglars do not.

A newspaper was found in the pocket of a burglar.

THE HONOURABLE SIR HENRY CRAIK: This is a journalistic stunt!

THE HONOURABLE MR. V. V. KALIKAR: It is news from London and I will give this cutting to the Honourable the Home Member after I have finished my speech. As he has circulated writings of the gutter press to us, I will also give him a specimen of the gutter press in England. The newspaper was found in the burglar's pocket and he was taken to the court. In that paper were articles about forcing doors, cash boxes, strong rooms, and it is said that there is actually a school where these burglars are trained and the masters of this school have graduated from Borstal where they have passed with honours! The court ordered that the newspaper should be kept in the museum. So, that sort of press also exists in England, but Parliament or the Government there do not bring in such a measure as this to stop that sort of mischief in England. So, my submission is, that for the fault of a few, if you enact such a measure, there is every likelihood that the innocent might be punished, which is against the fundamentals of your jurisprudence.

Then, Sir, they say that the section about picketing is retained for meeting the position when it causes annoyance to any body, though in the speech of my Honourable friend Mr. Sloan it was said that peaceful picketing cannot be an offence. But, as far as I read it, peaceful picketing will come under this section. It is known to all of us that under the Gandhi-Irwin pact peaceful picketing was not regarded as an offence. Lord Irwin in a famous speech also said that peaceful picketing could not be an offence and if a picketer advocates use of *swadeshi* cloth and goods, that cannot be regarded as an offence. Sir, I cannot do justice to my argument without quoting a sentence or two from the memorable speech of Lord Irwin. He says:

"No Englishman can without being false to his own history, and in recent years to his own pledges, take objection to the pursuit by others of their own political liberties;

[Mr. V. V. Kalikar.]

nor have I ever been able to appreciate the attitude of those who might be the first in Great Britain to exhort their countrymen only to buy British goods and yet would regard the movement for the encouragement of *swadeshi* in India as altogether reprehensible if not almost disloyal."

What do these picketers say? They say, buy *swadeshi* goods; they say, help your people who are dying on account of poverty; they say, help your industries so that these young men may find some employment. But if this clause is used as it has to my knowledge been used in the past, and as I have no doubt it will be used by enthusiastic officers of Government in the future, then peaceful picketing of this nature would come under the Act.

THE HONOURABLE MR. T. SLOAN: May I explain, Sir, that what I said was that this section was never intended to be used against peaceful picketing in purely industrial disputes and had, so far as I was aware, never been so used.

THE HONOURABLE THE PRESIDENT: Peaceful picketing is a contradiction in terms.

THE HONOURABLE MR. V. V. KALIKAR: Sir, if according to you there cannot be peaceful picketing, I humbly beg to differ. Peaceful picketing is a necessary element in public life. If my opponent does not agree with me on certain matters, I am entitled to pursue methods to convince him.

I have to persuade him, to canvass him, to cajole him, to bring him round to my view. If this section does not apply, Sir, I ask what is the necessity for having this section? Is not the ordinary law sufficient for it. Sections 349, 350, 351, 352, 504, 505 and 506 of the Indian Penal Code are quite sufficient. If I had the time I would have proved by reading these sections that there are sufficient sections under the ordinary law under which you can take a man to task for any violent act on his part. Then, Sir, they say that this measure is intended to deal with unlawful associations. The section about unlawful association is so full of dangers that according to me if this section were to be applied no association would have the opportunity of being heard when it is once declared by the Executive to be unlawful. You declare by an order of the Executive that a particular association is unlawful and it becomes unlawful. This very thing goes against the fundamental principle of law. You cannot convict a man without hearing him. Sir, no safeguards have been provided in this measure for innocent persons who would be declared by the decrees of the Executive to be unlawful. Section 5, Sir, is so wide that according to me if I want to condemn a passage from proscribed literature and if I cite that passage in a public meeting I will come under the clutches of this section.

THE HONOURABLE MR. D. G. MITCHELL: Why not?

THE HONOURABLE MR. V. V. KALIKAR: My Honourable friend Mr. Mitchell says "Why not?" What is the remedy for me to condemn that particular passage. A book has been written which has been proscribed by the order of the Governor in Council. I want to condemn that book, I want to condemn particular passages and if I speak in a public meeting that I condemn these passages, I have to do so after reading and if I read those passages I come under the clutches of the law.

THE HONOURABLE MR. D. G. MITCHELL: How did you get the book?

THE HONOURABLE MR. V. V. KALIKAR: I have to manage to get that book, Sir, (Laughter) because I desire that proscribed literature should not be circulated.

THE HONOURABLE MR. D. G. MITCHELL: It does not belong to you.

THE HONOURABLE MR. V. V. KALIKAR: As a layman I will explain the position further. When the orders are published in the Government Gazette, many of us do not know what literature is proscribed. It is only when we read through the journals we know that such and such books are proscribed; we say that these books should not be proscribed or we say that these books should be proscribed.

THE HONOURABLE THE PRESIDENT: When the notification is published, you ought not to read anything.

THE HONOURABLE MR. V. V. KALIKAR: When the notification is published it is only those people who are in touch with Government know of it; it is only lawyers who know, but the man in the street is not expected to know it.

THE HONOURABLE THE PRESIDENT: He is not expected to read the book.

THE HONOURABLE MR. V. V. KALIKAR: We wish that literacy so extends in India that everybody should be able to read books.

So, Sir, under this provision there is a double offence and I cannot bring myself to understand how this provision has been thought fit to be enacted in this Bill. Sir, I think I am tiring the patience of the House.

THE HONOURABLE THE PRESIDENT: I am afraid you are.

THE HONOURABLE MR. V. V. KALIKAR: Sir, I will cut short my remarks.

My last request to the Government is that when you pass any repressive legislation you ought to take the representatives of the people into your confidence. You see from the reception received by the measure in the Lower House that the representatives of the people are against it, public opinion is against it, and you also know when you pass a repressive law—for instance the Rowlatt Act—what the effect of it will be in the country. I submit, Sir, that there is bankruptcy of statesmanship in the Government of India; otherwise past experience should have taught them that the public feeling in the country is against such sort of measures, measures which are designed to take away the power of the judiciary, measures which are designed to bring the offenders to book without giving them an opportunity, measures which have been planned and designed in the Secretariat without consulting the Legislature and measures which you bring on to the Statute-book permanently when there is no emergency existing—these measures will not have a salutary effect on the country. If you are passing such measures by instructions from Whitehall, you must represent to them that there is no necessity for this sort of legislation. You are going to introduce reforms soon and you say that for the smooth functioning of the new Government you are introducing these measures. My Honourable friend, Mr.

320

COUNCIL OF STATE.

[25TH SEPT. 1935.]

[Mr. V. V. Kalikar.]

Sapru, the other day said that it will strengthen the hands of the new Provincial Governments which are likely to come into power. My submission is that I do not see eye to eye with him in that argument. It is not to strengthen the hands of the ministers that these measures are being enacted, but my conviction is that these measures are being enacted to strengthen the hands of the Governor so that he should not have the opportunity to exercise his special powers. If the ministry does not agree with the Governor, he can bring into operation these measures. So, Sir, my last request again to the Government is that if you want to bring such sort of measures you must consult public opinion before doing so, you must pay heed to public opinion and when the opportunity comes, when the emergency comes, then only can you bring such measures. In the circumstances which exist in the country at present, I do not see any necessity whatever for bringing in this measure and I therefore oppose it.

THE HONOURABLE SIR HENRY CRAIK (Home Member): Sir, Honourable Members of this House have many advantages over a humble stranger like myself from the Lower House. They have the general advantage that they debate important measures in a much calmer and more dignified atmosphere, and they have the particular advantage in regard to the special measure that we are discussing today that they have not like myself been wearied by eight or nine consecutive days of argument for and against the measure in the Lower House. Sir, to my mind the arguments both for and against this measure have been worn so threadbare that I find considerable difficulty in saying anything novel in defence of it. I will therefore crave the indulgence of the House if I have to some extent to repeat arguments and phrases that I have already used.

Sir, to begin with, I should like to say one word regarding the circumstances in which this measure has come before the Council of State. One or two speakers have referred to those circumstances as constituting "an insult to the House" or "an insult to its intelligence". Well, Sir, if that be so, the fault is not ours. The fault is that of the Lower House which refused even to take into consideration a measure which only three years ago—let me remind the House—was passed by large majorities in both Houses and in regard to which I can find no change in circumstances which can in any way justify the action of the Assembly in now contemptuously rejecting this measure. For, Sir, what changes have taken place since the measure first became law in 1932? The only one that I can think of is that the civil disobedience movement has been suspended—suspended, mark you, but most explicitly not abandoned? The leaders of that movement and the party that supports that movement have made it clear beyond all possibility of doubt that the movement is still alive. In the words of speakers in the Lower House, civil disobedience "will never die", and they further made it perfectly clear that it is their intention to revive it whenever they feel themselves strong enough to do so and whenever it suits their convenience. That, Sir, is the only change of any importance which has happened in the country since the Act which we are now discussing was passed into law three years ago, as I said, by large majorities in both Houses. In those circumstances, Sir, it is not the Government who is to blame for the way in which this measure has to be presented before this Honourable House. It is

not Government who is responsible for it coming before this House in a recommended form which deprives the House of the power of making any changes. The fault lies not with us but with the majority of the Lower House.

I have said, Sir, that the only relevant change of which I am conscious that has taken place in the circumstances of the country since 1932 was the suspension of the civil disobedience movement. The other dangers which this Act is designed to meet,—terrorism, communism and communal hatred, are still with us. Terrorism has, I admit, to some extent improved in Bengal, but it is still a most serious menace not only in the Punjab, as certain speakers have tried to make out but, as I shall show presently in many other provinces in India. It is a menace of such a character that Government would be entirely failing in their duty if they relaxed in any way the precautions that they have taken to deal with it.

On communism I shall touch very briefly but I can assure the House that though its activities are known to few outside official circles it is, in my opinion and in the opinion of all thoughtful men who have studied the spread of this insidious movement not only in India but in other countries, a very serious and steadily growing menace. Against that too, although it is possible that it will not gain an ascendant position in India for some years to come, against that too again we should be wrong if we relaxed any of our precautions.

As regards communal unrest, I have said and I say again with the fullest sense of responsibility—and I am sure my opinion will be shared by all who are directly or indirectly concerned with the administration of the country in practically every province—that never in all my long experience in India which now extends to 36 years have I known a time when communal unrest was so grave a menace to public peace as it is at present.

Sir, the only change which we have made in the law that has been in force for the last three years is that we have, in response to the professions of the Congress Party that civil disobedience has been suspended, repealed certain of the sections dealing with some of the more ordinary manifestations of that movement. I need not repeat the provisions of these sections which are no doubt known to all the Members of this House. The only other change that we have made is that we have given this measure permanency instead of a temporary life. Now, Sir, that is no doubt a change of considerable importance and one which has been considerably criticised. Our justification for it is two-fold. Our main justification and the one to which the greatest importance must be attached is this, that we do not foresee within any measurable space of time a period when this triple menace to which I have referred of terrorism, communism and communal unrest will be a less serious threat to the peace and advancement of the country than it is at present. That is our main justification for deciding that this measure should be retained in the hands of Government as a permanent weapon against this menace. The second justification is this, that all temporary legislation has this drawback; the mere fact that it is known to those whom the legislation is designed to counter that it has only a temporary life and is bound to come to an end within a specified time encourages them in plotting and scheming to devise measures that they can bring into force again immediately the law comes to an end. In other

[Sir Henry Craik.]

words, Sir, it is impossible that there can be any permanent change of heart or change of outlook or mentality as the result of temporary legislation which everyone, and more especially those who are affected by the legislation, knows is shortly coming to an end.

Sir, the opponents of this measure may be divided roughly into three classes. The first and perhaps the largest class, certainly the class which has given most expression to its views in the debate that I have been privileged to hear in this House, is the class that denies the existence of the dangers which this Bill is designed to meet. The second is the class which, while admitting the existence of these dangers, think they are such that they can easily be met by the ordinary and permanent law of the land and that no special legislation is necessary. The third is a class, which I am glad to say is not represented in this House, the class which quite frankly admits the existence of these subversive methods but denies that Government are justified in taking any action against them; in other words, that class desires that subversive movements should have a completely free hand and that the country should be plunged into chaos and misery and economic loss, merely in order to discredit the present administration and to wreck the chances of the success of the future Constitution. I will deal with each of these classes in turn.

I take first those who deny the existence of the dangers which this Bill is designed to meet. These dangers are, as I have already said, terrorism, communism and communal unrest, and also the possibility of a revival in the comparatively near future of the civil disobedience movement. Let me deal first with terrorism. More than one speaker on that side of the House has asserted that terrorism is a rapidly vanishing danger. They assert that this danger exists only in two provinces, namely, Bengal, where there has admittedly been a considerable improvement partly owing to the drastic measures taken by the Local Government and partly, I gladly acknowledge, owing to a very real revulsion of feeling against the terrorist, and in the Punjab. That, Sir, is an assertion which is wholly at variance with the actual facts. Within the last few months, that is, since this House last met in Delhi, there have been 26 or 27 outrages or incidents showing clearly that terrorist plots are in active existence in many provinces. These 26 or 27 incidents include three murders and a very desperate attempt to commit another murder at Ajmer. Apart from these, they include terrorist dacoities, cases of armed robbery and numerous cases of the explosion or finding of bombs and other weapons. Many of these incidents occurred in the United Provinces and some in Assam and Bihar. Only last night, Sir, I received news of a fourth murder in Ajmer where terrorist activities have lately been prominent and where the vigilance and skill of the police have, I am glad to say, broken up within the last few months a most dangerous gang. In Ajmer, on Monday evening, a police constable arrested two suspects and was taking them to the police station. One of them pulled a revolver out of his pocket and shot and killed the policeman on the spot. That news has not yet appeared in the papers. In the face of the figures I have given and the facts I have related I do not see how anybody can seriously maintain that terrorism is not still a living and a most serious menace in many provinces.

I next turn to communism. As I have said, Sir, the facts about the communist movement in India are known only to a few. The movement is one that works underground and by secret methods and processes. It is my business and the business of the officers working under me to keep in touch with the movement so far as we can. But naturally we are not in a position to publish all we learn. But the House may take it from me that there is a steady infiltration into India of communist ideas, of communist money and of communist propagandists trained in foreign schools.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadan): What have newspapers got to do with that?

THE HONOURABLE SIR HENRY CRAIK: The influx of newspapers is comparatively easy to check and is checked. We have powers to seize and detain communist literature coming into this country and comparatively little, I am glad to say, gets through. But money is sent by devious and roundabout methods. Propagandists, mostly Indians, who have gone through a course of training in communist schools in foreign countries, come back secretly, very often under forged passports, and their presence is not always easy to detect. As I say, the House may take it from me that steady and persistent attempts are going on to bring communist ideas, communist funds and communist propagandists into the country by these methods, although I agree with one or two Honourable Members opposite that communism should not find a favourable soil in India—I agree with that view; I think in India the ideas of personal property, the ideas of religion and of the sacredness of family life are very much stronger than they are in other countries where communism has penetrated. None the less, it is a real danger and anybody who does not believe that has got only to read the judgment of the Allahabad High Court in the Meerut case and more especially the statement made by the prisoners themselves in that case, where they openly admitted that their objects were not the peaceful organisation of labour or anything like that, but a general strike. The first stage was to be a general strike for political reasons and the second stage, about which they made no secret whatever, was to be an armed and violent rising of the peasantry and the workers. That, Sir, is a danger against which any Government must guard itself and practically every Government all over the world is so guarding itself. We should be failing in our duty most gravely if we stood aside and allowed these red revolutionary ideas, which are bound to culminate in bloody revolution eventually, to penetrate into India steadily and insidiously.

So much, Sir, for communism. Let me now turn to those Honourable Members who deprecate the contention that communal unrest is a very grave menace at present. Let me remind the House that here again I will only take the period since the House was last in session at Delhi. In those few months we have had riots culminating in bloodshed in places so far apart as Ferozabad near Agra, Lahore, Champaran and Hyderabad in the south of India. Only within the last few days I have read accounts of a most serious communal rioting in a village in Noakhali in Bengal and a combined attack by one community on the other culminating in bloodshed, looting and worse crimes at a village in the Rajshahi district of Bengal. Those Honourable Members who have read the papers within the last few days will have seen the dangerous

[Sir Henry Craik.]

manifestations of communal feeling that have quite lately been prominent in the Punjab. Only today I read that the action of the Punjab Government in relaxing the prohibitions of the Arms Act on swords in certain districts had led to the establishment by one community of a company to manufacture swords and daggers, and that was immediately countered by the starting of a company by the other community with the same object. Surely that is an ominous sign of the feeling which is now prevalent between the two communities. Sir, it is often said in discussing communal unrest by critics of Government that Government itself is responsible for communal unrest, that the policy of the Government is to divide and rule. Now that is a stereotyped and time-worn assertion which does not seem to me to gain any force by its parrot-like repetition. Even if it were true, it would be in the present connection entirely irrelevant. But although I do not for a moment deny that communal tension has been intensified in recent years by the struggle of the various communities for political power, I do altogether deny, and I think anybody with any close association with the administration must deny entirely, the truth of the completely unsubstantiated assertion that Government is mainly responsible for communal unrest. Nothing could be further from the truth and any one who has the slightest knowledge of the administration knows perfectly well that the main preoccupation of every Government in India, of almost every district officer in India—and remember that by far the great majority of the district officers are now Indians—is to allay and do what they can to assuage communal passions. (Applause.) It is within my own knowledge, and I speak from long experience, that for one communal riot that occurs, 20 are prevented by the prompt action of Government officers. From my own experience, and I have had a long experience as Chief Secretary to a Local Government with the special responsibility of choosing officers for district charges, for judicial posts and for police posts, I assert unhesitatingly that wherever there is communal trouble the general and immediate cry is, "Send us if you can a British officer", it may be for a judicial or for an executive or for a police post. That is my experience, founded on more than five years as Chief Secretary of the most turbulent communal province in India. And may I add in that connection that whenever actual violence has broken out, the general and immediate cry is, "Send us British troops".

Lastly, Sir, I come to those who take the line, I think there are comparatively few of those here, that as the present Act was designed to deal with the menace of civil disobedience and as civil disobedience has now been abandoned the Act can be allowed to lapse. As I have said, it has been made most clear by the statements of leaders of the Congress that civil disobedience has not been abandoned. The President of the Congress himself said that only a few weeks ago in a public statement. He said it had been stopped but not abandoned, and it is quite clear that it is the intention to revive civil disobedience and to chose for that revival the moment most convenient to the Congress themselves. That has been made abundantly clear by the speeches delivered within the last few days in the other House. They made no secret of the fact. "Civil disobedience", they cried, "will never die! The mentality behind it will never die", and it is quite clear that they contemplate its revival

at a comparatively early date. It is not surprising, Sir, that in those circumstances the Congress Party is extremely anxious to see the repeal of the existing Act because they know that it was that Act which succeeded in crushing the movement and they know that if the movement is revived and we still possess these powers, it will again be unsuccessful. They want us to be unarmed when their next attack is delivered, but that is naturally not a position which Government are prepared to accept.

Sir, the legacy of the civil disobedience movement is, I regret to say, a mentality that has penetrated into far wider circles than ever supported that movement. That mentality has spread to such an extent that now whenever we have a clash of opinion on any subject, communal, religious, political or even economic, there is always a section of the people who turn to the ideas of mass action or direct action. The student who has a grievance against his professors thinks he is justified in striking and in picketing his college. The followers of one faith if they think they have a grievance against the followers of another faith resort to the same methods. A trade concern that has a grievance against a rival concern very often thinks it is justified in picketing its rival. Now there could be nothing more completely in conflict with the basic ideas of democracy than that mentality. We should not, Sir, be moved by any false sympathy with ideas like that, for it is our duty to do what we can to ensure the peaceful and steady progress of India towards complete democracy, and that progress cannot be continuous unless we can eradicate that type of mentality which claims that any one is entitled to resort, if he disapproves of a law, either to civil disobedience or to some form of direct action. Nothing could be more completely opposed to the basic principles of democracy than that.

Now I would like to turn for a few moments to that line of argument which says that these menaces to peace, these subversive movements, can be dealt with by the ordinary law. Let me take first the offence of picketing. Now, if picketing could have been dealt with by the ordinary law why should we have passed this special law? Government officers are not all fools; they know their law pretty well and if they do not know it themselves they have the best possible advice available; all over India hundreds of district officers and magistrates, confronted with this menace of picketing, did their best to deal with it under the provisions of the Penal Code, that is the sections regarding intimidation and so on. But their efforts were completely unsuccessful and it was not till this special law was passed, at first in the form of an Ordinance that we were able to stop picketing. I would ask any Honourable Member present, who had personal contact with the civil disobedience movement and who saw with his own eyes what really was done in what was called picketing, the intimidation, the bullying, the fear created and so on, if he considers that picketing was a thing that could be dealt with under the ordinary law? The ordinary law was tried in a hundred districts and failed and it was only because it failed that we had to resort to these special methods.

Now, let me deal with the most criticised sections of this Bill, those which reimpose the press legislation, and let me examine the contention put forward by certain speakers on the opposite side that the vagaries and excesses of the Press can be checked by the ordinary law. It is within the knowledge I think of every Member of this House that the Press Act of 1910 was repealed in 1922 and for the next eight years, that is until

12 NOON.

[Sir Henry Craik.]

the passing of the first Ordinance in 1930, there was no control over the Press other than the ordinary law, that is the sections of the Penal Code and the sections of the Criminal Procedure Code which deal with the publication of seditious statements or incitements to murder or incitements to communal hatred; and what was the result? Between 1922 and 1930 the tone of the Press became steadily worse. Incitements to murder of the most open and barefaced character were a daily feature of a certain section of the Press in three or four provinces, in Bengal, in Bihar, in the Punjab and in the United Provinces. Honourable Members have asserted that this evil was confined to two provinces. That is entirely incorrect. I can quote numerous cuttings from the Press of the United Provinces where incitement to murder and incitement to communal hatred were every bit as bad as in Bengal or in the Punjab.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan): May I ask, Sir, is there any passage in the selection supplied to us from the United Provinces?

THE HONOURABLE SIR HENRY CRAIK: No, Sir. The Honourable Member is perfectly correct. I did not want to invite Members of the Legislature to wade through the enormous mass of material at my disposal, but I can inform the Honourable Member that though the pamphlet supplied to him contains only 25 or 26 pages, I have in my possession supplied to me by Local Governments with particular reference to this Bill 429 printed foolscap pages of similar extracts from the Press. They come from every province in India; they include incitements to murder, incitements to communal hatred, the foulest obscenity, the most deliberate vilification of religious persons and so forth, and any Honourable Member who would like to wade through those 429 pages of incitement to murder, of obscenity, of filth, and of incitement to hatred is welcome to do so; but I warn him, as I warned Honourable Members of the Legislative Assembly, that he will have to have a strong stomach if he can digest more than 10 or 12 pages at a time. In the Punjab alone the cuttings supplied to me, dealing with a very brief period of less than six weeks between the expiry of the first Ordinance in October, 1930 and the imposition of the second Ordinance in December of the same year cover, I think, 53 pages. As I have said, during the eight years when the Press Act was not in force, the tone of the Press steadily and rapidly deteriorated till Government was obliged to promulgate the first Ordinance of 1930. That Ordinance expired in October, 1930 and the moment it expired the same rapid and immediate deterioration set in till Government was forced to promulgate another Ordinance only six weeks after the expiry of the first, because the section of the Press to which I am now referring was again immediately full of incitements to murder, incitements to communal hatred and so forth. The second Ordinance was promulgated in December, 1930 and as soon as that expired the Emergency Press Act of 1931 had to be enacted, because on the expiry of the second Ordinance there was in the brief interval the same rapid and immediate deterioration in the tone of the Press. Thus, we have the experience of three periods, the first period from 1922 to 1930, the second period the short six weeks between the expiry of the first and the promulgation of the second Ordinance, and the third period, the short period between the expiry of the second Ordinance and the passing of the Emergency Press Act, and on each of these three occasions our experience has been

precisely similar. Immediately control is removed, immediately this section of the Press indulges in the most inflammatory, seditious and murderous writings. In the face of that experience, Sir, who can ask us to remove this control? Is it not as certain as anything in human life can be, that the same results as have appeared on three occasions would appear again if there were to be no control?

We are told, Sir, that we should deal with the Press under the ordinary law, that we should punish an editor after he has committed an offence. Now, in the first place, experience has shown that that is impossible. Within my own knowledge two of the worst papers in Lahore were prosecuted in 1926 or 1927 for inflammatory writings, inciting to communal hatred six or seven times within a brief period of a few months. In every single case the only person whom it was possible to prosecute was a dummy editor, a man hired at a few rupees a month, usually illiterate, almost always an ex-convict, merely to go to jail. In both cases the editor and the proprietor of the paper were the same person. Every one knew that the person in question was the editor and proprietor and also the principal contributor. The men themselves made no secret of it, but the dummy was there; his name was on the paper as editor and it was quite impossible to catch the real culprit. The only way in which the real culprit can be caught is if on searching the press a manuscript in his handwriting can be found and obviously they are never foolish enough to leave such a manuscript there. On no less than six or seven occasions, a dummy editor of each of these papers went to jail, while the editor and proprietor of the paper escaped scot-free and the paper went on with as much seditious, inflammatory and revolutionary matter as ever. How can anybody assert in the face of that experience that the ordinary law is sufficient? Even if it were, if we could bring the real culprit to book, we could only strike when the mischief has been done. Our object, Sir, is not to punish these writings, but to prevent them. If an article is published, under the ordinary law all we can do is to prosecute the keeper of the press or the editor of the paper, but the mischief has been done by the time we do that. Give an article two hours' start and the necessary publicity is obtained.

Let me turn for a moment to section 5 of the present Act—the section under which the republication of a proscribed document is punishable. That section has received a certain amount of criticism in this debate. The Honourable Members who criticised it evidently are not aware of the circumstances in which proscription usually takes place. Proscription, Sir, is not as a rule an arbitrary act of Government acting on its own initiative. In the great majority of cases, proscription is resorted to on the complaint of the person who feels himself aggrieved or injured or feels his religion insulted by the document which it is sought to proscribe. And when we are asked to proscribe a document which gives bitter offence to one religion or one community, surely we must act at once, we cannot afford to let the offending article gain wide publicity while we move the court and get the decision of the court. It must be suppressed and suppressed at once. Honourable Members here, those who come from the north of India especially, will remember some seven or eight years ago a book that was published in Lahore that gave the direct offence to all followers of Islam. It was a book which I had to read myself in the course of my official duties, and it was abominable. It was a book about the Holy Prophet and it attacked him in vile and obscene terms. Does any

[Sir Henry Craik.]

Honourable Member seriously suggest that, when Government is informed of the publication of a book of that kind, it should have to wait, while it runs the editor or the author or the publisher into court and prosecutes him for the offence of offending another's religion. What would happen if we did so? There would be a trial lasting possibly five or six months. It would attract enormous publicity, and communal feeling on both sides would be worked up to the highest pitch, and meanwhile the publication and dissemination of the book would be going on all the time. Sir, no practical administrator would seriously support the proposition that we should have to resort to the ordinary law and trial under such circumstances. There is only one thing to do in the circumstances—seize the book and destroy it.

THE HONOURABLE MR. HOSSAIN IMAM: But that is not part of this Act. You can proscribe them under those Acts.

THE HONOURABLE SIR HENRY CRAIK: I am meeting the argument that you can deal with seditious publications under the ordinary law and I think I have proved successfully that the ordinary law is not sufficient for the purpose. If we had left that book to be circulated, there would have been bloodshed in many towns in the Punjab and the North West Frontier Province. Even as it was, the author was some months later murdered by one of the members of the community that he had offended. I cannot think how any practical person can seriously support the proposition that seditious or inflammatory writings—and when I say inflammatory I mean inciting either to communal hatred or to murder—can be left to be dealt with by the ordinary law.

It has been asserted that this Bill is a grave infringement of what is called the liberty of the Press. My submission, Sir, is that for the properly-conducted and responsible journal this Act has no terrors. But there is a section of the Press in India—I would ask the House to remember this—there is a section of the Press which owes allegiance to no party and to no principles. It is run entirely for personal profit and the more sensational its contents are, the greater is that profit. If sedition is in the air, this type of journal must be as seditious as any. If communalism is in the air, it must seek out fresh causes of offence, fresh opportunities of vilifying the other religion and give these the greatest publicity it can. It is perfectly true, Sir, that the Press is a great organ for the education and uplift of the people but it is equally true in India that it is capable of the vilest prostitution and abuse. For that type of journal, Sir, we should have no false sentiment of sympathy. That type of journal is better out of existence and if this Act is considered a restriction on the liberties of the Press, let me remind the House that with a certain section of the Press unrestrained liberty immediately—and I have shown this by many examples—immediately degenerates into the most unbridled licence.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know why 15 papers were penalised in connection with the Quetta earthquake?

THE HONOURABLE SIR HENRY CRAIK: I will tell you, Sir, why 15 papers were penalised in connection with the Quetta earthquake. Because

those papers gave publicity to a string of the most vile and unfounded lies. As the Honourable Member has raised the question, let me give him one or two examples. A paper published a statement alleged to have been made to one of its correspondents in the Relief Camp at Delhi after the Quetta earthquake by a man called Brooks. His name was given, and when a name was given, in every single instance where a specific allegation of that kind was made we followed it up and proved it to be false. Now, this is what Brooks told the correspondent of a Delhi newspaper,—that he was the Superintendent of the Military Grass Farm or Dairy Farm (I forget which) at Quetta, that when the earthquake destroyed his house he was buried under the debris, with his head sticking out; and that his wife was buried close to him but only her arms were sticking out; that a party of British soldiers came along and according to this man's statement after repeated requests they dug him out. He then pointed to his wife's hands which were still showing and said, "For God's sake pull her out" but they refused and walked away. Now, Sir, it is difficult for me to speak calmly of so vile an allegation. But let me tell the House the sequel. We made inquiries. We found that this man Brooks was completely unknown in Quetta, that no one of that name had been employed either by the Grass Farm or by the Dairy Farm or by any other military unit in Quetta for the last six years; that neither the Grass Farm nor the Dairy Farm had suffered any damage in the earthquake; that the whole story was a complete invention from beginning to end, that this man was a drunken, half-witted loafer, and that he is now in an asylum. Does the Honourable Member suggest that when a paper publishes a statement of that kind, Government is to take no action against it?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: It should be contradicted.

THE HONOURABLE SIR HENRY CRAIK: That is only one instance. There were a great many more. But I will not weary the House with them. That kind of lie is so disgusting that I really do not think I need tell the House any more such stories.

Sir, I have dealt with the argument that the movements which this Act is designed to meet can be perfectly well met with the ordinary law. The *reductio ad absurdum* of that argument has been furnished by the last interjection of the Honourable Member opposite.

Now, Sir, let me conclude by asking Honourable Members to consider briefly what will be the effects of this Bill when it is passed into law. We have heard a great deal in the debates—I have heard a great deal more than Honourable Members here for my sins in the debates of the last few weeks—not only of the liberty of the subject but also of the freedom of the Press and freedom of association. That these phrases embody great ideas I do not deny. But when we come down to facts, let us consider with whose liberty is this Bill going to interfere? It is going to interfere, I admit, with the liberty of the sedition-monger, of the terrorist, of the communist, and of the revolutionary. That I admit. But have they not interfered with the liberty of individuals? Does the terrorist not interfere with the liberty of his victim when he murders him? Does the communist not interfere with the liberty of the subject when he seduces the honest working man into a strike for which there is no economic

[Sir Henry Craik.]

reason, and which he knows must fail, merely to produce political discontent? Does the sedition-monger not interfere with the liberty of the individual when he vilifies Government officials, and when he tells the sort of stories like those which I have just narrated about Quetta, when he ascribes the vilest motives to persons striving to keep peace in this country? And lastly, Sir, what of the civil disobedience movement? Did that not interfere with the liberty of individuals? What reply will be given to that by the merchant who steadily saw his trade declining, by the shopkeeper who saw his clients scared away from making their ordinary purchases, by the lawyer who was compelled to abandon practice in the courts, by the student who was shut off from his studies by the civil disobedience movement? Were their liberties not interfered with? I say, Sir, that we are bound to protect ordinary peaceful citizens like those in the pursuit of their lawful calling, and if we are going to interfere with the liberty of the sedition-monger, the revolutionary, the terrorist and the civil disobedience man, we are fully entitled to do so.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, had I come into this House this morning with any doubts in my mind at all, they would have been completely removed by what the Honourable the Home Member has just told us. Unlike the Honourable Mr. Sapru, I have always thought that the principle of the Bill was the maintenance of tranquillity in India and that Government, in framing it, intended to provide for the continuance of those criminal laws which would otherwise expire which they regarded as essential to that end.

If I am right in my surmise as to what the Government of India had in mind in drafting this Bill, it seems to me that the logical sequence after the rejection of it by the Assembly was for His Excellency to certify the Bill as essential for the tranquillity of British India. I submit that the question which Honourable Members in this House have to answer is an easier one than that which the Governor General has answered. I will put it this way. Are the provisions of this Bill likely to tend towards the maintenance of tranquillity in British India or not? The answer seems to me to be an emphatic affirmative.

Although we in Bombay have not had quite such serious experiences of a lack of tranquillity as some parts of India, and Bengal in particular, no one who has, as I have, spent nights in the bazaars assisting in the maintenance of order during the riots can possibly deny that we have suffered greatly from this cause.

I cannot help wondering whether some of the Honourable Members who are prepared to oppose this Bill have really read the speech of the Honourable the Law Member in the Assembly on the 12th September. He clearly shows that as regards the so-called "Freedom of the Press" the result of Government ceasing to have powers of the kind concerned in the past has been, to use almost his own words, that the morality of the tone of the Press changes with the existence or repeal of Press Laws.

Surely, my Honourable friends will agree that no sane Government can be expected to make experiment after experiment in a case of this kind. Let there be no misunderstanding. The Government of India in introducing the

Bill for the repeal of the Act of 1910 were completely conscious that they were taking a considerable risk and that risk was taken despite the fact that some Local Governments were strongly in favour of the retention of the Press Law. This is the Government who are now accused of introducing this Bill for purposes of repression!

Let Honourable Members make no mistake; they, every one of them, share the responsibility which the Governor General feels and the duty lies upon them just as much as it does upon him to exercise their powers to pass this Bill into law.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, the Bill before the House is of very great importance to Indians in general and to us in particular, because it seals for all time the liberty of association, the liberty of expression of opinion, and other liberties. I am ready to admit the dictum of the Honourable the Home Member that liberty uncontrolled is not liberty. I go further and say that uncontrolled liberty is the prerogative of brutes, and civilised humanity means that it must submit to certain rules and regulations of morality, jurisprudence, and practices of the world. That restraint, Sir, is applicable to citizens as well as governments. Governments are not immune from that restriction on liberty which they want to impose on us. Sir, in the name of liberty, many crimes more heinous than murder have been committed. At the present moment, in the name of saving the liberty of those who want to sell their country, this Bill is brought forward. It is they who are being safeguarded, not we, Sir. (*An Honourable Member*: "Question?") Questions will be answered. Sir, I am ready to join issue with the Honourable the Home Member as to who the real culprit is for bringing this measure in a certified form, whether it was the fault of the Assembly that Government was forced to do this or whether it was the intoxication of power which made the Government do this silly thing. I should like, first of all, to say that I have tried to study this Bill dispassionately. If you exclude all these sentiments and appeals which are not often made with decorum by certain Honourable Members from the centre of the House, and if you look at the Bill with an unbiassed mind, without taking into consideration what has been said by either side, but looking at it from the rock bottom principle of universal practices, you will find that it has got no legs to stand upon. In their advocacy, Government have not hesitated to hit below the belt. They have disregarded all the rules of the game and referred to things which are not even remotely concerned with this Bill. The Honourable the Home Member has referred to the proscribing of books which forms no part of this Bill. The Government enjoys that power, even if this Act be rejected. What had that to do with the present measure? Section 5 simply penalises re-publication, not the fact of its being proscribed. That is a power you already have.

THE HONOURABLE SIR HENRY CRAIK: May I interrupt the Honourable Member by pointing out that if section 5 of the present Act were not in force, anybody could re-publish a proscribed book, and I have not the slightest doubt that the book I mentioned would have been re-published by a dozen shops if it had not been proscribed and the type seized.

THE HONOURABLE MR. P. N. SAPRU: You could proscribe the re-published book under sections of the Penal Code.

THE HONOURABLE SIR HENRY CRAIK: Certainly, but the point is that when you have proscribed it, it is not an offence to re-publish it unless section 5 is in force.

THE HONOURABLE MR. HOSSAIN IMAM: The Honourable Member is referring to the book by Rajpal. That was probably published in 1924 and this Act came into effect in 1932. Eight years elapsed before the Government became wise to the fact that they required an Act of this nature!

THE HONOURABLE SIR HENRY CRAIK: But they had seized all copies of the type.

THE HONOURABLE MR. HOSSAIN IMAM: That you could do even before this Act, and if that was sufficient for eight years, I take it, it would be sufficient in future too.

Sir, the Honourable Member said that the responsibility was of the Legislature in not passing this Bill and for its certification. I have to join issue with him and to find out whose defect it was. The Government had three courses open to them. The first and the best course was to have dropped the measure when the Assembly refused permission, sound a note of warning to the Press and the public that if they indulged in action of the nature penalized in this Act, the Government would not hesitate to pass an Ordinance.

THE HONOURABLE THE PRESIDENT: You always take exception when Ordinances are passed!

THE HONOURABLE MR. HOSSAIN IMAM: I was going to say that this Act is worse than any Ordinance ever passed. What would have been the effect? Only two effects could possibly have come out, either this warning would have sufficed and the people would have desisted from such action or it would have failed. If it had sufficed, both sides of the House would have been glad, and we could have slept calmly over the matter. But had it failed, the Government would have had a very weighty argument in favour of bringing forward a measure of this nature, because they would have been able to show from recent history what an ill-effect the disappearance of this Act had on the public mind. *And the Government knew that the mere announcement that as soon as actions penalised in this Act were again resorted to, they would issue an Ordinance which would have had a deterrent effect, and they knew that the reasons for bringing forward a permanent measure of this nature would have disappeared.* That was the reason why they did not take that course.

The next best course open to them was the constitutional method of dissolving the House which had not passed this measure. There are precedents in British history where Parliaments have been dissolved because of this want of co-operation.

THE HONOURABLE THE PRESIDENT: There is no such provision in the Government of India Act.

THE HONOURABLE MR. HOSSAIN IMAM: The Governor General has the power to dissolve the House whenever he likes.

THE HONOURABLE THE PRESIDENT: Not for a reason like that suggested.

THE HONOURABLE MR. HOSSAIN IMAM: Well, Sir, no definite reason is given in the Act for which the Assembly may be dissolved, but the power to dissolve the House vests in the Governor General any time he likes. They could have dissolved the House on the distinct constitutional ground that the country wants the Act and the Legislature will not pass it. But, Sir, even this ill-informed and impervious Government knows that it has not the support of the country, that if the House was dissolved it would return in a more overwhelming majority members of the same type as the 43 already in the Assembly. Therefore they did not have recourse to this action.

The third and the worst course open to them; the rule of thumb method which they have always adopted, was to bring the Bill in a recommended form to the Assembly. Now, Sir, I beg to ask the Honourable the Home Member whether he did anything, took any action, to make the Assembly reconsider its decision? I would remind you, Sir, and the House that on two occasions during the last five years when the Government had certified a measure, it was modified in a certain manner to make it more acceptable to the people. Did the Government take any steps in this direction? Was this their last word in criminal legislation? If it was then the Assembly was perfectly justified in not allowing this discussion to be prolonged, because you clearly were not prepared to give into the Assembly in any respect. There should have been some ground for people to reconsider their decision. You cannot ask us to be so false to ourselves, so false to our constituents, as to swallow whatever you like to give us.

THE HONOURABLE THE PRESIDENT: Was the Assembly in a mood to reconsider the question?

THE HONOURABLE MR. HOSSAIN IMAM: Did the Government take the initiative to make it possible to reconsider? If they were ready to modify, why did they not bring a modified Bill for reconsideration?

Now, Sir, I shall deal with the three defects of the course which has been adopted by the Government. The Honourable the Home Member told us that some people have taken exception to the fact that this House has been deprived of its right of considering this Bill in detail because of its certification. I say it was the fault of the Government. Why should they have persisted in this? They could have brought forward a measure in this House in the Delhi session, and the Council of State could have had an opportunity to take it into consideration, to amend it or to reject it. But, Sir, I know this House does not deserve this course and therefore Government has treated it in the way they have. But nevertheless it is a principle of vicarious punishment. We are being punished for the faults of others and that without being condemned or even charged; without being brought into the dock a punishment has been inflicted upon us so that our mouths are sealed. Then the second defect, Sir, which I greatly deplore is that it is a misnomer to call it a legislative Act. *According to world precedent, legislative enactments and executive pronouncements have this difference, that the former are the result of the collective wisdom of representatives of the people, whereas executive pronouncements are the decisions of executive authority alone.* You call it an Act? By what stretch of imagination can you call it a legislative Act? That is why I said that it is worse than an Ordinance, because an Ordinance has this saving grace that it is a

[Mr. Hossain Imam.]

temporary measure, whereas a legislative enactment in a certified form deprives the Legislature of the opportunity of expressing any opinion on it and it is a misnomer. It is taking undue advantage of the letter of the Government of India Act which never conceded the passing of such enactments as permanent measures.

The third and greatest defect of this certified method of passing a law permanently is that it deprives the representatives of the people of the right to bring forward amendments to that Act even in the future. In the Manual of Business, section 64 states that it is not lawful without the previous sanction of the Governor General to introduce at any meeting of the Council any measure affecting the repealing or amending of any Act or Ordinance made by the Governor General. It is at the bottom of page 20, Sir. *By means of certification you have not only deprived us of the right to amend this Bill now, but you have deprived us of our inherent right to bring forward an amending or repealing Bill except with the sanction of the Governor General which can never be given.* In face of this the Government have the hardihood to say that it is the fault of the Assembly that the Bill has been brought in a certified form. Then, Sir, there is another disadvantage in this Bill. We know that a new Viceroy is coming to India shortly. What would be his attitude on this question? How could he have proceeded about it? *Would he have been more conciliatory, or would he have liked the same mailed fist and the iron heel method?* These are things which only the future could tell; but the Government by their action, by their present action, have taken away his liberty of action also. They have faced him with a *fait accompli* by placing this law permanently on the Statute-book; he can neither allow it to be repealed nor give the hand of friendship to Indians and thereby bring himself into better relationship with us Indians.

THE HONOURABLE THE PRESIDENT: He is not coming for six months.

THE HONOURABLE MR. HOSSAIN IMAM: This Act would not have expired for three months more.

THE HONOURABLE THE PRESIDENT: It expires in December.

THE HONOURABLE MR. HOSSAIN IMAM: On the 18th of December, Sir. It is only three and a half months between the expiry of the Act and the coming of the new Viceroy. Sir, they could have had an Ordinance. An Ordinance would have been a better substitute than the permanent irremovable halter round our neck.

Sir, there are any amount of defects, but I shall point out three cardinal defects in this Act. First, I would like to take the House back four years when Act XXIII of 1931 was on the anvil in this House. That Act, as then passed and brought before us, was for a duration of one year, with a possible extension for another year more. The name of that Act was something quite different. Its provisions were quite different from what they have become now—the Indian Press Emergency Powers Bill. The provisions were stringent, because the measure was to check heinous crimes. That

Act, by a mere stroke of the pen, by sleight of hand, was extended by Act XXIII of 1932 and certain other provisions were incorporated in it. The original Act was widened but the stringency remained the same as it was for heinous crimes. It is the same as if we were to say in section 302 that slapping would also be treated under section 302, punishable with hanging. That is what the Government have done in the past and that is what they are doing now. They are not bringing forward the Acts in their entirety before the House to be amended, to be recast, or to be modified. *Whatever stringent measures we had provided for those heinous crimes they are being now utilised for paltry crimes.* Secondly, Sir, I very much object to the smuggling method of the Government. By giving permanency to this Act they have incidentally given permanency to a thing about which there has been no mention either in the speeches or in the statement of objects and reasons to this Act. I refer to Act XI of 1934, section 3. This section affecting the Indian Press has been given a lease of life without a word being uttered by the Government or warning being given to us that this portion of the Act is being made permanent—section 3 of Act XI of 1934, the Indian States Protection Act, in which the press provisions were of a unique character. When Act XXIII ceased to have existence, those provisions of the Indian States Protection Act would have been a dead letter and they would have died unsung and unhonoured. *The Government has perpetuated the Act without mentioning a word about it in the statement of objects and reasons, without saying a word in support of that in any speech of the Government Members in the two Houses of the Legislature—*

THE HONOURABLE SIR HENRY CRAIK: And without hearing a word of criticism about it.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, people did not know that, because the Government are so adept in jugglery.

THE HONOURABLE THE PRESIDENT: Do you mean to say that the Members of the Legislative Assembly, some of whom are great lawyers, did not understand the implications of this Act?

THE HONOURABLE MR. HOSSAIN IMAM: Unless a man looks at all the Acts he would not know. The amending Act which is before the House and the two Acts which have been placed in our hands by the Honourable the Home Member mention not a single word that that Act is going to be extended—

THE HONOURABLE THE PRESIDENT: Was it not apparent from the Bill itself?

THE HONOURABLE MR. HOSSAIN IMAM: No, Sir. Not a word was said and no warning has been given by the Government that this was being done.

THE HONOURABLE THE PRESIDENT: No warning is necessary. The Bill is before you. You ought to exercise your own intelligence.

THE HONOURABLE MR. HOSSAIN IMAM: It is a matter of opinion whether it was the inaction of the Government or whether it was the ineptitude of the Legislature which made it difficult to find it out. We do not think we are here to fish and to find out what are the hidden intentions of the Government.

THE HONOURABLE THE PRESIDENT: I do not think you are quite correct in using the word "smuggling".

THE HONOURABLE MR. HOSSAIN IMAM: Now, Sir, I come to the third fundamental defect in this Act. Sir, as I said in the beginning, uncontrolled liberty is not only restricted for human beings, but it is also restricted for Governments. World opinion, world practice and world procedure are things which have the same effect, the same morally binding effect on a Government as on individuals, and therefore, Sir, when a penal law is brought forward, we demand that it should be on the lines of universal practice. This Bill violates all the fundamentals of criminal law. Because, Sir, except in cases of heinous crimes which are accepted by the world as crimes, all the rest have this qualification that the man must have done it with the knowledge that it is a crime and with the intention of doing harm. *But in this Act, Sir, the peculiarity is that knowledge, intention, nothing counts.* For instance, about section 5 which formed the theme of the Honourable the Home Member's oration that extracts from proscribed books could be penalised. I quite admit, Sir, that that is a right principle but it will be necessary to have a provision that whoever does so should do so "knowingly". You will remember, Sir, that in another connection, when we were considering the Resolution of the Honourable Sir Nasarvanji Choksy about drugs, I stated that the penal law has made knowledge and intention a cardinal factor in establishing a crime, but in this Bill one can hunt till Doomsday without finding any mention of this cardinal piece of safeguard for human liberty. Because the first principle of English law is that everyone is presumed to be innocent until he is proved guilty whereas in this Act every one is presumed to be guilty until he proves his innocence which is almost an impossibility. It is for these reasons, Sir, that we oppose this measure.

Sir, then in many of these provisions and especially in Act XXIII of 1931 complete contravention of the British system of justice has been attempted. A person is to be penalised without being allowed even to submit his case. A person is to be penalised and taken to task on evidence which is not before him. A person is to be penalised for no action of his own. But as the Honourable the Home Member pointed out in the House the other day, any one else can write a letter to me saying that he is accepting a bribe for me and that can be used as evidence against me. Any one can come forward and say, God forbid, that the Honourable Members of the Government side have taken a bribe and that letter, if it is accepted by the post office and traced to the Honourable Member, can be used as evidence against him. *Government knows no law. Government knows no rule of the game. It must take advantage of everything that comes handy to it.* Then, Sir, in the famous Annie Besant case in the Madras High Court and the case of the *Comrade* in the Calcutta High Court, we had rulings that the Press Act language was so wide as to deprive the High Courts of any effective power of checking executive action. Those provisions still exist. It is one of the fundamental principles of the law that the injury or crime must be palpable and assessable but here, Sir, these two fundamental principles have been given the go-by.

THE HONOURABLE THE PRESIDENT: You find fault with the language of the Act, but if the Bill had not been summarily rejected by the Lower House, Honourable Members would have had an opportunity of going into Select Committee on these questions.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, in the first place the Government itself took the responsibility of moving for the consideration of this Bill in the other House. If they had had any intention of giving in to the united opinion of India they would have moved either for circulation or for reference to Select Committee.

THE HONOURABLE THE PRESIDENT: It was open to any other Member to do so.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, if any other Member had done so, it might not have been accepted.

THE HONOURABLE THE PRESIDENT: That is another thing. Then you should find fault with the Members for not moving it.

THE HONOURABLE MR. HOSSAIN IMAM: They thought you would not be prepared to give in.

THE HONOURABLE SIR HENRY CRAIK: Not at all. I never announced that I was not prepared to accept a Motion for Select Committee.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know, then, why the Bill was not brought in this House in a modified form?

THE HONOURABLE THE PRESIDENT: I have already informed the House that as His Excellency the Governor General has in exercise of his prerogative recommended the Bill, we cannot go behind his recommendation.

THE HONOURABLE MR. HOSSAIN IMAM: But may I point out, Sir, that in the case of the Finance Bill of 1931, certain modifications were incorporated in the original Bill before recommendation? There was no power under the Act or the practice of Government to prevent the Home Department from suitably modifying the Bill before they brought it in a recommended form to the Assembly, or certified to the Council of State.

THE HONOURABLE SIR HENRY CRAIK: Why should they suitably modify it? The House refused to consider it. What modifications does the Honourable Member suggest should have been made?

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): How was the Government to know what modifications would be acceptable to the House?

THE HONOURABLE THE PRESIDENT: Order, order. The debate will proceed.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, it is well known that the law courts who are the guardians of our liberties and the executives who are administering these Acts pay no heed, and rightly, to statements made in support or against the measure in the Legislature. They regard it as their own prerogative to interpret the words and the intention of the Legislature as they think fit. Therefore, Sir, no amount of assurance by the Honourable the

[25TH SEPT. 1935.]

[Mr. Hossain Imam.]

Home Member can change the courts' opinion. The only thing that has a binding effect on the courts of law is the wording of the Act. And therefore when he says that he requires measures to protect India from communism, though most of us are in agreement with him and most of us would be willing to go as far as he wants us to go in checking the communist menace to India, yet we have no guarantee that these powers will be used only against the communist and no one else. Our experience has been quite to the contrary. The Government has used measures designed to check communists and terrorists, to put a stop to natural activities of a political kind, and in this Act too, Sir, the difficulty remains. These measures, which will be quite justifiable if used against communists, have been and will be used against other inoffensive persons.

THE HONOURABLE THE PRESIDENT: Who is to decide whether a person is a communist or not?

THE HONOURABLE MR. HOSSAIN IMAM: That has been the bone of contention between us. We want the Judiciary to decide. 1 P.M. We have confidence in the Executive, and we are not prepared to allow the policeman to be our justice of the peace because, after all, the district magistrate is an officer of that department. He is the complainant and judge. *Have you ever heard of a greater negation of justice than this that he should be complainant and judge?*

Sir, the Honourable the Home Member referred to the famous Meerut case. But did he consider the result of the verdict? Did he consider that it cost about Rs. 18 lakhs to send to jail—how many of them? When the case went up to the High Court, it was heard by one of the most eminent judges of India who found himself in disagreement with the District Magistrate, and who liberated many of those who were convicted by the trial court and reduced the sentences on many of the culprits. Is that not proof positive that Government were prepared to go to great lengths, and even the pronouncements of High Courts did not deter them from taking away the liberties of those who in the eyes of the High Court were honest?

THE HONOURABLE THE PRESIDENT: You do not mean to tell this Council that the Judges of a High Court are infallible?

THE HONOURABLE MR. HOSSAIN IMAM: I do, Sir. Judgments of High Courts deserve better treatment than the pronouncement of the Executive. I shall fight for the liberty, integrity and honour of High Courts. They are the highest courts of justice in India and it ill-behoves to question their impartiality. They are the guardians of our liberty and we are jealous of their reputation.

The Honourable the Home Member classifies the opponents to this Bill into three classes. The last class was people who while recognising the existence of this danger welcomed it. He rightly suggested that in this House no one belonged to this category. Sir, we are not ashamed of saying that most of us belong to the first or the second category, namely, of those who think that if the danger exists, the existing law is sufficient, or those who deny the

existence of some of the menaces which have been painted in vivid colours by the Government. Sir, I should like to preface my remarks here by quoting from an authority about whom I hope even the Government Members would admit that his dictum was perfectly justified. This is the dictum which I commend to the Honourable the Home Member:

"In bringing forward any measure of legislation, it is the business of Government to convince the Legislature that the powers for which they ask do not exceed what is necessary and what is reasonable. It is particularly incumbent on Government to satisfy those two conditions when, as in the present instance, they propose to exercise some degree of control over the Press. Public opinion in all countries is jealous of the freedom of the Press and in India it is rightly jealous lest at a time when its destiny is in the making, restrictions should be placed on the expression of political views or on the exchange and conflict of ideas which might have the effect of impeding the attainment of legitimate aspirations. There has never been a time when the promotion of a sound and sane public opinion was more essential or when it was more necessary that the country should bring to the consideration and conclusion of the many problems which confront it a calm and cool judgment unbiassed by appeals to hatred and passion. If it were true that Government in bringing forward this measure were inspired by any desire to restrain the legitimate activities of the Press, or even if without that desire the effect of this measure would be of this character, then it would be difficult to defend."

Sir, I commend these words to the consideration of the Home Secretary.

THE HONOURABLE THE PRESIDENT: It is an excellent passage, but how can you convince those people who refuse to be convinced?

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I have to make out that Government have not made out a case, and I shall prove from the very documents supplied to us by Government that they have failed to do it on both grounds, namely, that the powers should be just sufficient and not more than necessary. From their own documents I will show that they have asked for more powers than they require, and thus they have controverted this very sensible proposition which I have just read out. From Statement V supplied to us, which is an analysis of the sections of the Indian Press (Emergency Powers) Act which have been used in controlling the Press, in the case of six provinces no action has been taken under this Act. I refer to the United Provinces, the Central Provinces, Coorg, Delhi, Assam, North-West Frontier Province and Bihar. In these provinces no action was taken under this Act, and yet the Act will be applicable to the whole of India. *When this Act was not required during the three previous years when feelings were running high, when there was a real strife, then why make this measure applicable to these provinces?* The majority of prosecutions were confined to Madras, Bombay, Bengal, the Punjab, and partly Burma, and a very little portion of my province of Bihar and Orissa. Now, Sir,—

THE HONOURABLE SIR HENRY CRAIK: What is the point you make?

THE HONOURABLE MR. HOSSAIN IMAM: That you should not have asked for these powers in this measure that you have brought forward. You should have asked for the minimum powers necessary and not the maximum powers if you follow the dictum that I have just read out.

THE HONOURABLE MR. D. G. MITCHELL (Leader of the House): You would repeal half the Indian Penal Code!

THE HONOURABLE MR. HOSSAIN IMAM: But there we have the rule of law, which we have not in this Bill. That is why I ask the Government whether they do or do not accept the dictum that I have quoted.

THE HONOURABLE SIR HENRY CRAIK: What dictum?

THE HONOURABLE MR. HOSSAIN IMAM: The portion which I read out to the effect that only such powers should be taken as are necessary.

THE HONOURABLE THE PRESIDENT: You need not dilate on that. Will you please proceed?

THE HONOURABLE MR. HOSSAIN IMAM: There are other sections of the Act which have not been used in any part of India. I am referring to headings V, VII, IX, XI and under some other sections too there has been only one occasion on which action has been taken.

THE HONOURABLE THE PRESIDENT: The Honourable the Home Member has stated that preventive measures have a more deterrent effect than punitive measures.

THE HONOURABLE MR. HOSSAIN IMAM: Why not say, Sir, plainly that you want to penalise the teaching of English. If you close the colleges and schools and everything else, you can have the peace of the grave. If the aim of the Government is to frighten people, we can understand that. We may not like it but that will be understandable. But when Government say that they are trying to get the minimum powers essential, they accept the position which I read out from the speech of Sir Herbert Emerson when introducing the Press (Emergency Powers) Bill of 1931, and therefore I placed it as a dictum for the Home Department to follow. It is not the pronouncement of an irresponsible man, but of one who had realised his responsibility and who made out the Government case. *We have always maintained that when Government Members who give promises go away there is no continuity of policy.* Every one comes and remains for a few brief years and makes a policy for himself and everything done by his predecessor is given the go-by and not honoured, as it should be, as the policy of the Government.

THE HONOURABLE THE PRESIDENT: There are several other speakers to follow.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, this measure was discussed in the other place for a number of days. I have purposely imposed on myself a self-denying restraint of not referring to any arguments as far as possible which have already been ventilated in the two Houses of the Legislature during the nine or ten days on which this discussion has proceeded.

Sir, the Honourable the Home Member had great solicitude for democracy in this country. Solicitude for democracy from the Home Department is something new. But this solicitude for democracy is for those who are in power, for those who have the privilege of thinking alike with the Government, and not for the common people who have the misfortune not to see eye to eye with Government. The liberty of those who differ from Government is not worth a scrap; it has no price as a commodity in the Government of India's market. The Honourable the Home Member said that these measures against the Press have been used in order to restrain it. I ask him why did you not circulate to

us the articles of three newspapers of Lahore which have been penalized only recently within a month, in which security amounting to Rs. 12,000 has been demanded from the *Ehsan*, the *Zemindar* and the *Siyasat*. This is merely vindictiveness. It is not the intention of the Government to stop the publication of such articles, but the intention is to crush the papers for all time. Do you know for what? I have seen that article in the *Ehsan* for which it was asked to deposit a security of Rs. 2,000. It was nothing. It was a mere statement of facts, being retailed every day by word of mouth in the bazaars in Delhi and Simla. If he had really thought that he was using those powers with justice he would have given us at least those offending portions to convince us as to whether it was a fact or a fable.

Sir, in closing his speech the Home Member said that all criminal interference with the liberty of citizens should be checked. There we have no quarrel with the Honourable the Home Member. We all agree, but with this difference, that while he wants to check this interference with the liberty of certain classes of people only, while leaving others liberty to be interfered with as much as they like, we want the same treatment for each and every one. I mean that if it is sufficient to substitute the orders of the executive for judicial decisions, why not abolish all the sessions courts in India and the criminal jurisdiction of the high courts? Why not abolish them all and substitute the sweet will of the omnipotent district magistrate and save lakhs of rupees?

THE HONOURABLE THE PRESIDENT: May I request the Honourable Member not to go into extraneous questions but to stick to the Bill?

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I now come to the detailed consideration of the Bill. As I said in the beginning in section 5 the necessary element of knowledge and intention does not find a place. It was essential under judicial practice that intention and knowledge should have been part and parcel of the section. Then, I come to section 10 because, barring section 7, all the others have been repealed. In section 10 —

THE HONOURABLE THE PRESIDENT: May I draw the Honourable Member's attention to Standing Order 38? At this stage only general principles can be discussed and the details will be discussed later on, if necessary.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, my objection when I rose to speak on this Bill was that it tries to bring in through the back door matters which are substantially at issue.

THE HONOURABLE THE PRESIDENT: I have no objection to your discussing that matter, but as you say that you are now going into the details of the Bill, I object to that under the Standing Order.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, as I said before, and the Leader of the House will bear me out, when we were discussing the Trades Disputes Bill in the Delhi session I objected to a single clause Bill being introduced extending the life of the Act and not bringing the Act itself before the Legislature to be argued.

THE HONOURABLE THE PRESIDENT: That objection was not raised as far as I remember. I have given my decision today.

THE HONOURABLE MR. HOSSAIN IMAM : So, I say that the method which the Government has adopted has deprived the Legislature of the right to amend the sections of the Act sought to be extended, because those sections do not happen to be part and parcel of the Act. It simply says that in such and such an Act of 1932 such and such sections will be repealed. But the rest which remain, how can we deal with them, when they are not before the House ? This devious method was to a great deal responsible for throwing out the Bill in the other House.

Now, Sir, I was dealing with section 10 of Act XXIII of 1932 which gives power to Local Governments to declare certain sections of the Indian Penal Code as cognizable. Before the Government ask our sanction for this, it was their duty to bring forward before us proof positive. In the speech which the Honourable Home Member has made here and in the speeches which he made in the other House and in the Home Secretary's speech no substantiation of this section has been given ; no proof has been given to show that it was necessary for the Government to change the penal law and the Criminal Procedure Code of 1898 in this direction. You want power from us. You ask us to authorise you to do certain things without giving proof. Is it not discourteous to the House, to the Legislature, that you want power without proof ?

THE HONOURABLE THE PRESIDENT : What else can be proved ? The Honourable the Home Member this morning went into great detail and placed all his facts and arguments before us.

THE HONOURABLE MR. HOSSAIN IMAM : Not a word was said on this section, that he wanted to make these offences cognizable. The necessity is not to be judged by anybody except the representatives of the people. We give power to the Executive to curtail our liberties and, as are representative of the Indian nation, I demand it as a matter of right. Full facility should be given and hole and corner methods should not be adopted.

Sir, I would have liked to go on further, but seeing that it is getting late, I shall simply close my remarks with a few general remarks about the character of this Bill. Those press powers that you wanted you got from the House in 1931 ; they were powers of an emergent nature given with the confidence that the Government was asking for power for an emergency and therefore it was in the fitness of things that the House should support the Government ; but if the Government makes it a rule that whenever any power is given to it even of a temporary nature, then it would be made into a permanent thing without allowing the Legislature an opportunity of amending it, then I can only say that Government will lose confidence. Sir, people will be very suspicious of the Government and they will never like to arm the Government with powers even when an emergency arises because they have the sad experience of Government making emergent legislation permanent. Government is in effect going back on its pledged word and by this they will lose the confidence of the people of the country.

Sir, may I say a word about the Congress ? The Honourable Member who left the day before yesterday was very vehement in condemning the nationalists of India, as if patriotism and service was the prerogative of those

who make it their religion to support the Government in and out of season, as if the services to the country consisted only in saying ditto to everything that the Government said. That, Sir, is not what India regards as patriotism ; that is not what the world regards as patriotism ; that may be the patriotism of a special type applicable to a slave country like India, but it has no echo in the world. People are proud of their suffering for the country ; people are proud of having lost their all in the service of the country and they will not be deterred from their work in the cause of the country by mud slinging of this type. Sir, the only defect of the Congress, the only crime of the Congress, consists of their failure to do anything. *Rebellion, revolt and war of liberation are but comparative terms.* We know, Sir, that George Washington was a rebel from George III, but he was the saviour of the United States. His successor Woodrow Wilson was the saviour of George V in the Great War and these are only relative things. *Those who are now called culprits, those who are called rebels, they may in the future be called liberators.* We have not forgotten English history and the trouble of the Roundheads and the Cavaliers ; the person who was beheaded was after all sanctified and called a martyr. There is no absolute measure of finding out who is a rebel and who is a liberator. Sir, it is not for the Government, a foreign Government, to fling in our face such words always, which cause us to remember, cause us not to forget, that we have the misfortune under God's dispensation of being under foreign sway. Time was when we were really proud of Englishmen being our masters ; time was when we thought that the Englishmen's mission of civilisation was a real thing ; time was when we thought that the Englishmen really meant to do good by us. But, alas, it is no more ! I do not deny, Sir, that many Englishmen have done the right thing ; whatever we have learnt now is due to the English education that we have received and the study of English history. All the love of liberty, the love of freedom, that is born in India is due to English education and the fruits of English association with India. English association in India has been of great advantage to India. I am not one of those who think that India should have an independent existence now, because I realise my own weaknesses. I feel that India cannot do without English influence at present ; but is it fit that you should bring your own Government into hatred and contempt by the Acts which you are passing and disregarding every time the wishes of the people. It is in the interests of the British Government that I solicit, I beg of the Government, not to be intoxicated by the powers that have been given to it under the Government of India Act. It is for this reason that I ask them to be moderate in their utilisation of the power and to go as far as they possibly can to meet the wishes of the people and not to be irresponsible to our needs, to our beggings. I ask the Government to be considerate, if they cannot take back the Act at the present moment, it is within their purview to issue such directions to their officers who administer it as to make it as inoffensive as possible. The way in which the Bill has been brought forward leaves me no option but to oppose this measure in its entirety. (Applause.)

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 RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I shall be very brief in my observations and shall try not to import heat into the debate. Sir, at the outset I wish to congratulate the Honourable the Home Member for the lucid speech which he made on the floor of the House this morning. I confess I do not agree with all that he said but that should not deter me from expressing my appreciation of the lucid manner in which he placed the case of the Government before the House.

Sir, I have given the most careful consideration to the measure before the House. I feel that while there are certain provisions of the Bill which I should have personally been prepared to support, there are others which I consider go too far.

Let us take the case of terrorism. Sir, I unreservedly condemn terrorism and all that it implies. I also recognise that Government has to protect its officials and friends and loyal subjects from being murdered at the hands of misguided youths and assassins. I should therefore have been prepared to support the legislation had it been confined to terrorist activity. But while condemning terrorism I should also like Government to evolve a positive policy which would cure its root causes. I think unemployment is to some extent responsible for it and I should like Government to take some steps to provide more avenues of employment for our youths. Terrorism is against the teaching of our religion and I am sure that a constructive policy coupled with the enforcement of the law will improve the situation and enable this country to get rid of this great blot on her fair name.

As regards communism, Sir, as a zemindar I naturally detest communistic doctrines. But here again I would point out that the cure for communism is a rapid development of the economic resources of our country. All the same, I should have been prepared to consider favourably any legislation directed against communism and communistic activity. Sir, I agree with the Government that the ordinary law is not sufficient to deal with terrorist and communist activity of a violent nature. But my difficulty is that the Bill in its present form goes too far inasmuch as its scope also extends to activities which cannot be classed as terroristic or communistic. The chief defect of the measure is that it makes no distinction between violent activity and seditious activity. I recognise that the power to declare violent associations unlawful is, in the present circumstances of India, necessary. It is difficult to get hold of witnesses and to prove before a court of law that the activities of an association are violent. But here the scope of the section is much too wide, and no distinction is made between violent activity and activity which is harmful to the country but non-violent essentially. I see, Sir, that Government can under some of the clauses of the Act forfeit the property of an association declared to be unlawful under the Criminal Law Amendment Act of 1908. Now, while I should have given no right of appeal against this order to an association the activities of which in the opinion of Government are violent, I should have in the case of associations which are merely seditious given a right of appeal to the High Court against an order of forfeiture by the Executive Government. I therefore cannot go as far as the Bill in regard to this matter.

Coming to other points, Sir, I feel as follows. Happily, civil disobedience has been abandoned, at any rate for the time being, by Congressmen. If it is revived, and I see no reason why it should be, the Government can deal with it under the emergency powers which they possess and which the Governors and the Governor General will continue to possess in one form or another under the New Constitution. Therefore, civil disobedience cannot be urged as a ground for a stringent legislation of this character. The second ground urged is the growth of communalism in India. Sir, I deeply deplore communalism but I am bound to say, and to say in spite of the observations of the Honourable the Home Member to the contrary, that Government have not done enough to discourage communalism by their policies. Why is the law not enforced impartially by the agents of the Government in all cases? Sir, the cure for communalism is impartial administration of the law and no special favour for any one. I am sure that with the growth of the New Constitution when Indian political parties begin to work together and when they shoulder responsibility for law and order themselves the communal situation will improve and communalism will become a thing of the past.

I doubt if my Honourable friend Mr. Sapru, who I am sorry to find is not in his place at the moment, will agree with me on this point because he stated the other day in the course of his speech that he trusted the British Executive more than he trusted an Indian Government of vested interests, which presumably includes the zemindars and the propertied classes in a dominant position. If a statement had been made by me that I trusted the British Executive more than I trusted an Indian Government in which a certain section of my countrymen dominate, that would have been perhaps excusable as I am a more moderate person than my Honourable friend. But such a statement coming as it did from an enlightened and advanced gentleman like the Honourable Mr. Sapru came to me as a great surprise as it showed want of confidence on his part in his own countrymen. Sir, I have greater confidence in my countrymen and therefore I think that with the growth of the New Constitution, many of our evils would disappear.

Then, Sir, I consider that the provisions in regard to the Press are more stringent than the necessities of the situation demand. I should have limited the right to demand and forfeit security for writings which directly or indirectly incite to violence. But here again I find that the scope of the section is much too wide and that almost anything can come under the section as at present worded. I would have left seditious activity and writings which are of a communal character to be dealt with under the ordinary law of the land. Sir, the difficulties of pressmen are great and it is not always easy for our men to find the requisite capital for starting a newspaper. As we are having responsible Government, it will be necessary for us to have a good Press and we do not want our young men to be frightened of joining the journalistic profession. I do not say that the powers in relation to the Press have been misused but the point is: What is the effect these powers have upon the mind of those who wish to take to journalism as a profession?

Sir, I have tried to show briefly what provisions of the measure I would have been prepared to support and what I would have liked to be suitably amended in order to be acceptable. A careful scrutiny of the measure is absolutely essential, in the first place, because the Act is sought to be made permanent,

[Rai Bahadur Lala Jagdish Prasad.]

and, in the second place, because this is being done on the eve of the introduction of the new reforms. I think, Sir, that the moment has not been wisely chosen and in any case I see no justification for placing the measure permanently on our Statute-book. Thus it is in regard to some important features that I would have liked the measure to be suitably amended.

But, Sir, it is a matter of great regret that the Bill should have come to this House in a recommended and certified form and we cannot alter even a comma or a full stop in it. The Honourable the Home Member has in his speech tried to show that the fault for bringing this Bill before this House in a recommended and certified form does not lie with the Government but with the majority of the other House. Sir, I know that the Lower House has rejected the Bill. It may be that the other House was hasty in rejecting it outright but that, I submit, is no justification, as pointed out by my Honourable friend, Mr. Hosain Imam, for not making any concessions to the criticisms of the many moderate men who are prepared to recognise the difficulties of the Government and support it to the extent they can. I submit that before certifying the measure the Government should have called an informal conference of the more moderate section of the Central Legislature, placed before them the material they had or such of it as could reasonably be placed before them, and asked for suggestions which would have improved the measure and made it less stringent than it is. But I am sorry that Government did not adopt this course and we have been compelled to choose between the whole Bill and no Bill at all. It is indeed a difficult choice. But in its present form as a permanent measure I feel that I cannot accept the Bill and I regret therefore that I have no option but to vote against it.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, it is argued by some of my friends here that the present law is sufficient to meet the outrage of terrorism, communism and communalism. If one takes the trouble of going through the criminal law of the country, he would have found that dissuasion from enlistment, for example, could not be punished under the Indian Penal Code; so also the boycott of Government servants could not be dealt with under the present law. If Government have to maintain law, peace and order, they must be armed with certain powers to check the evils contemplated and the Bill before us provides that power.

In the recent Resolution of the Government of Bengal on the Police Administration of 1934 it is said:

"A series of terrorist outrages were committed and a large number of pistols and revolvers recovered during the year, evidence of the fact that, though the police have been able to get the measure of terrorism as they have done before, it is still an insidious and dangerous movement against which unremitting vigilance must be maintained".

This was recently published in the newspapers, Sir.

All the Provincial Governments desired to have this legislation and the Government of India have no other alternative but to introduce this legislation and place it on the Statute-book.

No innocent law-abiding person will have any reason to fear the effect of this Bill and the honest and well conducted presses need have no fear of the

provisions of the Bill. I think the powers under this Bill are absolutely necessary.

No doubt the Indian Press, especially the vernacular papers, have played a very important part in creating public opinion among the masses in India and at the same time some of the vernacular journals have created a good deal of havoc and mischief by misleading statements. The provisions of this Bill certainly empower the Government to put a stop to such mischievous writings of the Press.

If the Lower House had agreed to consider the Bill and referred it to Select Committee, any reasonable amendments which the Members have offered might have been acceptable to Government.

The Bill having been defeated, the Viceroy had no other alternative left than to send the Bill with his recommendation for the consideration of this House.

It is also stated that this will be a permanent measure on the Statute-book if passed. We are sure that within the next two or three years we are going to have Federation, and if the Federal minister in charge of law and order comes before the Federal Legislature and says that the country is peaceful and quiet and that this Act should be repealed, there will be no difficulty at all in repealing it. By a stroke of the pen it could be done. Therefore, though it may be called permanent now, I feel that any Federal minister of the future in charge of law and order could come before the Legislature and say that this enactment should be repealed, and therefore it cannot be said that it is a permanent measure. It all depends on how the public co-operate in stamping out the terrorist movement.

Sir, in Bengal, an anti-Terrorist League has been formed and they are doing very good work. I was also glad to learn that His Excellency Sir John Anderson, the Governor of Bengal, has taken a keen interest and is trying to give the detenus some industrial training so that they may lead a better and more peaceful life. We would like to pay our tribute to the great interest which Sir John Anderson is thus showing. These men are misguided. I hope there will be no opportunity for using the provisions of the Bill we are going to pass. I need hardly say, Sir, that every well-wisher, who has at heart the peace, order and happiness of this country, will support the measure before the House.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (Madras Non-Muhammadan): Mr. President, the Criminal Law Amendment Act of 1908 was itself enacted to suppress terrorism. But strangely enough, terrorist outrages have gone on multiplying themselves ever since. It is clear that that Act has not at all succeeded even in checking the growth of terrorism. What better condemnation of this present Bill, which wishes to tighten and strengthen the claws of that Act, is needed than the past history of that Act?

Indeed, this Bill will serve, as the parent Act has done, one terrible purpose. It will be able to destroy all those associations which try to transform this Government by peaceful means. In fact, many organisations had been banned, their funds confiscated, their houses notified, and all their activities, however harmless they might be, prohibited. It is no exaggeration

[Mr. Y. Ranganayakalu Naidu.]

to say that if this Bill is passed, it will be possible, as it has been till now, for any party in power in any Provincial Government to destroy the organisations of its rival parties, to confiscate their funds and to dismember them. Sir, once a Fascist party gets into power, this Bill will enable it to do away with its rival parties as easily and effectively, and all in the name of law and through the so-called constitutional means, as was done in Russia, Italy and Germany. Sir, if our rulers are sincere in their declarations that they are introducing democratic institutions into this country, they ought to withdraw this Bill. If the British wish to be loyal to their home traditions of liberty of the Press and liberty of association, they ought to withdraw this Bill. It seems to me, Sir, this Government has one set of standards for England and another for India, like the proverbial step-mother, but the time will come when our present rulers will feel sorry for placing such a dangerous weapon in the hands of its heirs.

Sir, the whole country is aghast at this unholy determination of our Government to put this most unpopular and unwanted Bill on the Statute-book. The special emergency which was supposed to have existed and justified the passing of this Bill in 1931 as a temporary measure has passed away, even according to official admission. India has had to suffer from many official measures of repression, but this is about the limit and is enough to exasperate the patience of our masses. If this Bill becomes law, the various Provincial Governments will not need any other legislative sanction to enable them to muzzle our Press, stifle our public life, and destroy all those public institutions which strive for the betterment of the conditions of life of our masses. Sir, the present Government has to its credit the creation of the system of safeguards which are enough to prevent even a slight growth of freedom, independence and industry. It wants to improve its unsavoury record by making a present of this Bill to the future ministers and thus disable our unfortunate country to recover from its age-long history of slavery and subjection. Sir, the powers to be conferred by this Bill will be enough for a Hindu ministry to shut off the Moslem press and *vice versa*, and I am afraid that communalism, instead of being stopped by this Bill, will only become a greater nightmare to our people; and if such is the result that this Government really anticipates, no wonder it will be in keeping with its gruesome traditions. Again, Sir, this Bill will create a large number of Mussolinis who will make mincemeat of every progressive movement. I, therefore, strongly oppose this Bill.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab: Muhammadan): Sir, it is not without a certain amount of reluctance that I rise to support this Bill now before the House. That the Bill is most unpopular and much criticised is abundantly proved by the fact that His Excellency the Viceroy had to use his extraordinary powers to bring this measure before this House. But when I tried to analyse what this unpopularity is due to, I came to the conclusion that it is due not so much to the merits of the Bill as to the unpopularity of the agency which will work it. I have listened with great attention to the speech of my Honourable friend Mr. Hossain Imam but he has not shown that this three-fold danger of terrorism, communism and communalism does not exist in this country. He has only tried to show that the Government have committed certain excesses in the application of this law. Now,

Sir, if this Bill had been brought before the Legislature three years ago and I had been a Member of the Legislature at that time I should have felt very reluctant in supporting the Bill; but the Bill is being brought at a time when the New Constitution is coming into force after a short period and I have therefore no hesitation in supporting this Bill. The point which has been mostly criticised is, why is this Bill being brought permanently on to the Statute-book. And I must confess here that this is the greatest attraction to me in this Bill and that is why I am going to support it, because I do realise that in a country like India where communal tension, particularly during the last few months, has assumed very serious proportions and I do not see any possibility of its being dispelled from this unhappy country in the near future, I do realise that such strong measures and extraordinary powers will be most essential for any Executive Government to carry on the administration. I further realise that with the political parties as they are constituted at present in this country it would be very difficult for a popular ministry to introduce such measures, although they may feel the necessity for the same. On the other hand, if this measure is already on the Statute-book and the popular minister in charge of law and order finds that it should not be applied in a particular province, I have not the slightest doubt that it will not be applied. As has been shown by the Honourable Mr. Hossain Imam, this Act was not applied in certain provinces, for instance, Bihar and Orissa, Assam, and some others. That in itself shows that the Government was discriminating in applying this measure. Therefore, I do not see why we should be afraid of this law being applied by our popular ministers in different provinces after one year.

THE HONOURABLE MR. P. N. SAPRU: What guarantee have we about the popular ministers in the future?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I personally think that any minister who enjoys a majority in the House will be a popular minister. That is the only definition of a popular minister that I know of. Whatever Government is in power, if they find that it is time for them to put these special laws into effect I see no reason why we should deprive them of that liberty. The Government acted very wisely in bringing this Bill permanently on to the Statute-book.

Sir, the other reason why this Bill is so unpopular is probably because the Government have not taken such measures as were necessary for removing the discontent which exists at present among the educated classes. We hope and trust that the new Government will take steps to remove that discontent by different methods, and after they have done so I can see no reason why the Government should put these repressive measures into force if they can help it.

But before I conclude I would make an appeal to the Government. In asking us to pass this legislation they are really taking a great responsibility upon themselves. They should realise that even one misapplication of these repressive laws defeats the very object for which the Government wants these powers. Therefore, they should strictly instruct their agents in the districts to be very careful in the application of these special measures. The other reason why this measure is not being welcomed by any section of the House is that we

[Raja Ghazanfar Ali Khan.]

find that the Government have used a certain amount of undesirable discrimination in applying them to suppress the communist propaganda and communal tension. Where a seditious party or communism is concerned, they do not hesitate for a moment to apply all the powers which the law has given them. On the other hand, when communal tension is developing in a certain part they do not take such prompt action. I would appeal to Government to realise that the spread of communism in this country is not at present so detrimental to law and order or to the peace and tranquillity of the country as the development of communal tension in any form. You will forgive me for referring for two minutes to what we have seen in the Punjab during the last two months. Fortunately in our province Hindu and Muslim feelings were very amicable, and it is only since the demolition of the Shahidgunj mosque that the communal tension has appeared in such a violent and acute form. I wish the Government had realised earlier and taken strong action to prevent such an unfortunate thing happening. But since this communal tension is there, I would still urge upon the Government not to lose time and to take all possible steps to suppress this communal tension without favouring one community or the other.

With these remarks, Sir, I support the Motion.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadan) : Sir, I should like to offer a few remarks based on certain points mentioned as causes which has brought about this condition of things in the country for which Government is seeking this drastic remedy. Of the causes mentioned, let me take only one; in my view that is the chief one, namely, the economic cause. This cause contains everything either directly or indirectly related to the other causes. Let me try to explain what I feel. On the one side the population is increasing, the earning per head is decreasing; there is hardly sufficient scope for increasing the income of the masses. Then there is this growing unemployment among the masses and the educated people causing much waste of human material and money. This condition of things has gradually become more and more felt as an important question. Knowing full well these conditions, the Government did not show sufficient interest, nor help nor co-operation. Then came the agitation from the public and the Press. It is natural to expect if forced to circumstances and sufferings that dissatisfaction and difficulties should arise in the country in the absence of correct, proper and suitable work by the Government and the public. Instead of that work, the question of law and order and the repressive measures to put down the dissatisfaction came to be enacted by Government, throwing the country for a while into great sufferings. It is a known fact that the after effects of the war and the economic conditions in the absence of any special remedy became very keen; but the Government and its administration move on and on as usual with its ever increasing expenditure allotting no doubt provision to jail accommodation, famine, flood, fire, epidemics and recently, earthquake damages. I ask, is it all the duty of Government? At the same time they are never tired of saying at all times that they have a great responsibility to protect the masses—the millions of illiterate masses and law-abiding citizens, prevent breaches of the peace and from the acts of irresponsible agitators, and

further refuse to believe from whatever source the condition and feelings of the people, but satisfying themselves from the information obtained only through their employees that the heart of the country is sound and what is heard otherwise is not the real condition. Now, what is the position of the country? No proper consideration appears to have been given to solve the growing economic distress which affected almost all sections of the people except Government apparently for the present, since the condition of this distress has not touched Government in any way, as we see from the restoration of the cuts in pay and planning for ever increasing expenditure, borrowing and also searching for new methods of taxation and from the ingenious ways they show from figures that our country has favourable trade conditions and thus show that normal conditions have been restored and there is no room for any other opinion in the country.

Sir, leave alone Government ignoring public opinion in these matters, but what Government is permitting to go on in the name of civilisation and development in spite of all round protests is more serious than their failure to take timely action. I refer to the policy of Government in the industrial development of the country, which next to agriculture is the only hope to improve the economic distress and the vast unemployment problem. Take for instance big industries like textile, cotton, jute, sugar, iron, etc., and such minor industries like silk, glass, weaving, match-manufacturing. Do we not hear frequent difficulties in the way of satisfactory working—

THE HONOURABLE THE PRESIDENT : I have allowed the Honourable Member sufficient latitude to refer to extraneous matters. I hope he will now confine himself to the Bill.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : My idea is to show in a short way how distress is caused and also unemployment, because industrial development has got a lot to do with unemployment and unemployment is one of the chief causes for this distress and to prevent the distress the Act is put in force. That is my view, Sir.

Do we not hear frequent difficulties in the way of the satisfactory working of them and often requesting Government help in several ways? Barring a few of our friends who have always similar views like the foreign capitalists, do not Government hear from prominent leaders of the country that more exploitation and misery are coming and real national interests are sacrificed by allowing foreign competition and, worst of all, by giving monopolies and concessions to key industries and natural resources under executive orders, ignoring even the advice of their own chosen men, the Tariff Board. Small scale industries, as I said before, are struggling and this is adding further to unemployment. Agricultural unemployment is also becoming keener due to low prices and foreign dumping of food grains—

THE HONOURABLE THE PRESIDENT : I have already informed you not to refer to these matters at great length. We are now discussing the Bill.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Thanks to the small mercies shown by the grant of one crore and the new schemes of His Excellency the Governor of Bengal, the protection given to the weaving industry, and other schemes—these can be said only to touch the fringe of the problem. On the one side there is mass suffering due to economic distress, and then there

[Mr. V. C. Vellingiri Gounder.]

is educated unemployment; on the other side there are inducements to create tastes of unsuitable kinds; when people and their natural leaders begin to represent and agitate, form an association, societies, *ashrams*, *talimkhanas* and the *swadeshi* movement, they are all put down for one reason or another without a proper enquiry because a Congressman happened to be connected with it. Sir, we have heard it said by several of His Majesty's judges of the High Court that even though they have formed an opinion of the nature of cases coming before them under the Criminal Law Amendment Act they are unable to bring to bear their own conscientious feelings in passing their judgments. Sir, I ask is it not the duty of the State in all civilised countries to aim as its one and only purpose in running it infallibly and unmistakably with the maximum of convenience and with the minimum of suffering to the people and to interfere as little as possible with their free and unmolested every-day life? Sir, these time-serving and harassing remedies will never answer the eminent call of duty both of the State and the people to one another. We know well our loud protests in this House will be of no avail—not even a spectacular success such as we find in the other House. However, as we owe a duty to the public, we most emphatically oppose the Bill being placed as a permanent measure on the Statute-book. By placing this permanently on the Statute-book you will be giving proof of the fact that Government themselves admit that there will not be any remedy to improve the economic distress in the country. Only today I read an article in a paper with a heading, “Glutted market and hungry people”. It is more applicable to our country at present than to any other country under a civilised Government.

However, Sir, considering the great discontent in the country and considering that Government is so very determined to put this enactment as a permanent measure, I should like to make the submission that the Government of India may be pleased to place at least all the proceedings of the House on this question before both Houses of Parliament.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I perfectly agree with my Honourable friend Mr. Hossain Imam in his view that if instead of initiating the measure in the Assembly the Government had introduced it in this House, this House would not have been deprived of its right to have its say in the matter. It would have been possible for this House to thoroughly scrutinise the measure and effect such modifications as would have made it more acceptable to the Members of the other House. Sir, this House has never been obstructive. It has always been ready to consider any question on its merits and it is highly regrettable, Sir, that things should have been so managed that this Bill should have come to this House in a form which makes it impossible for this House to do anything except either to accept the measure in its entirety or reject it altogether.

But, Sir, while agreeing with my friend in that view, I feel that I must differ from him in the other view which he expressed regarding the dissolution of the Assembly for its failure to pass this measure. I feel, Sir, that this will not result in setting up a healthy precedent, for, Sir, occasions on which such things are done by the Assembly, occasions on which the Assembly does not find it possible to see eye to eye with the Government have nowadays become

more common. Only a few months ago, Sir, in the last Delhi session, the same situation arose in connection with the Finance Bill. If the Assembly, Sir, is to be dissolved for its failure to pass any measure which the Government might bring before it, if it is to be dissolved on every occasion like this, it would be demoralising that popular body. It would be then like holding a pistol to its head and asking the Assembly for its submission in every important measure that the Government brings before it. Sir, it would not conduce to any healthy working of that House if this Sword of Damocles were always to hang over its head.

Now, Sir, before I make my observations on the Bill before the House, I should like to correct a misunderstanding under which some of my friends seem to be labouring—friends who appear not yet to have succeeded in reconciling themselves to the Communal Award. I will not say much about it, Sir. All that I will say is that in this debate this Award and previous announcements by the Government in regard to the rights of minorities, have come in for unnecessary criticism. I wonder, Sir, if my friends who have criticised this Award in this fashion think that, if this Award had not been given, the minorities would have quietly submitted and resigned themselves to their fate; that the minorities realising their helplessness would have hastened to sink their individuality and abandon everything in favour of the majority? Sir, to delude oneself with this impression and to hug this fond hope to one's bosom is to my mind, Sir, to say the least of it, to live in a fool's paradise. If the rights of the minorities had not been recognised, I am sure, Sir, that every one of the minority communities in India would have challenged the unjust decision of the British Government and would never have rested until they had their rights duly recognised. I feel, Sir, that it is an entirely fallacious idea to think that it is the Award or the recognition of such rights on the part of the authorities that has aggravated the communal situation. In my own province, Sir, we Moslems form a very small minority and our share in the administration of the country, always very small, has of late deteriorated very considerably. The Moslems, Sir, have been ousted from all important positions, from all key posts in the country. We have no representation in the cabinet, no representation on the High Court bench and no representation on the Public Service Commission. In spite of all these facts, that all these places that were formerly held by Moslems are now held by non-Moslems, the Moslem community in Madras was not persuaded to fall foul of the other communities there and break their heads. If, Sir, there are these communal riots, it is not because of the fact that the rights and liberties of the various communities that compose the body politic in India have been recognised, but simply because of the fact that there is a very sad lack of tolerance on the part of the people, a very sad lack of mutual respect for each other's religion and each other's religious susceptibilities. Since, Sir, there is more of this tolerance in my province, there are practically no incidents of this kind.

Now, Sir, as regards the provisions of the Bill, I do not think it is necessary for me to make any lengthy remarks, inasmuch as these provisions are not new. They have been fully discussed and very carefully scrutinised about three years ago when the Criminal Law Amendment Bill was discussed in this House. Therefore, Sir, in determining our attitude on this measure, all that we have to see is, firstly, to find out how far these provisions, which under

[Saiyed Mohamed Padshah Sahib Bahadur.]

the circumstances then existing were considered necessary, have succeeded in securing the object for which they were intended, and secondly, whether under the existing circumstances and in view of the situation that might arise in the near future, it is necessary for these provisions to be kept alive. Also, if we decided on the continuance of these provisions, we will have to examine whether there are circumstances which would justify us in making this law permanent.

As regards the first point, much need not be said, for it is admitted on all hands, both by those who have opposed and those who have supported this Bill that these provisions have certainly proved very effective in combating the evil which they were intended to combat. However there are other factors also which contributed to the improvement in the situation, namely, public opinion and the keen and genuine interest evinced in Bengal by the Governor in solving this problem and the schemes that have been evolved there for the purpose of giving industrial and agricultural training to the detenus which by solving the unemployment problem is sure to strike at the very root of the evil. There is also the change that has been introduced in the educational system there. All these factors have gone to improve the situation in the country. However, Sir, much of this effect has been brought about by these provisions. Now, the question is whether these provisions must be continued, and, if so, for how long? It cannot be denied that though the situation has considerably improved, it is not yet completely free from danger, both present and potential. Again, Sir, great constitutional changes are about to be introduced in this country, and a great experiment is going to be made in the art of self-government. We have got to keep in view the necessity to make things easy for the new ministries. We will have to take care that these new ministries have in their armoury all those powers that would go to secure peace and tranquillity in the land and would enable them to carry on their duties without being very much disturbed by these disruptive and subversive movements. Therefore, Sir, for the present, and for some time to come, it appears to me that these provisions are really necessary. But the question is whether for this reason we should seek to make it permanent now. I feel that there is hardly any justification for our seeking to make this law permanent now. This is a law which is intended for abnormal conditions and for extraordinary situations, and cannot in the very nature of it be regarded as one which could be always on the Statute-book as a part of the ordinary law of the land. Abnormal conditions may justify these extraordinary and drastic measures; they may also justify the substitution of executive action for judicial proceedings. But this would be only for a short time. These conditions can never be allowed to make inoperative for all time the fundamental principles of equity, justice, and jurisprudence. Honourable Members are aware of the strength of feeling which is opposed to this character of this measure. The Honourable Sir Phiroze Sethna, after all the criticisms he levelled against this measure, concluded his remarks by saying that if only this measure had not been intended to be permanent, it was quite possible that it would secure the vote of the majority in this House, if not the unanimous vote of the House. So, there is a strong feeling against making this measure permanent.

Again, Sir, whatever might be the character of a law, much depends on the way in which it is administered. I believe we have all heard of the zealous magistrate who was so obsessed with the notion of his duty to put down crime that he once prosecuted and punished a boy of eight or nine years for plucking fruit from a tree on the road. It is such use of the law which makes it obnoxious. Sir, indeed, it has got to be admitted that during all these years when this law has been in operation, it has been administered with great caution and discretion. But then, there have been occasions when the authorities became unnecessarily panicky and made improper use of these provisions. Sir, the incidents which recently happened in the Punjab and to which reference has been made by my Honourable friends Raja Ghazanfar Ali Khan, Mr. Hossain Imam and Khan Bahadur Syed Abdul Hafeez shows how it is possible for these provisions to be very much abused. As has been remarked by the Honourable Raja Ghazanfar Ali Khan, all this communal trouble in the Punjab would have been avoided if only it had been possible to avert the demolition of this Shahidgung mosque. Whatever it be, Sir, I feel that somehow, for no reason, the Government of the Punjab became panicky and took very drastic measures for which there was no justification whatever. Some Moslem papers have been prosecuted under the provisions of this law for publishing things which did not at all come under any of the three or four categories of offences for which this law is intended.

I understand, Sir, that a paper called the *Ehsan*, said nothing about communal discord or to encourage terrorism or communism but only stated facts which were common property, well known to everybody in the town, and for doing that, this paper had to forfeit its security. Again, Sir, the Punjab Government became so panicky that on the very mention of civil disobedience, even long before the day on which the decision was taken regarding the launching or otherwise of the civil disobedience movement, they took action against some Moslem leaders and had them interned. I feel that in view of what has happened in the Punjab and in view of the strong feeling that exists there—

THE HONOURABLE THE PRESIDENT: You have already spoken three times of the Punjab. You know the time of the Council is very valuable today.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: It is such an important question that I have had to stress it.

Well, Sir, I will conclude by saying that, in view of these happenings in the Punjab, I feel it is not possible for me to give my support to this Motion. (Applause.) But however, Sir, I will not vote against it. (Loud applause.) I feel, Sir, I will not be justified in opposing it inasmuch as I feel that there is every need for continuing this law for the present and for some time to come.

THE HONOURABLE MR. T. SLOAN (Home Secretary): Sir, in view of the lateness of the hour I shall be as brief as possible, but there are several points to which I should like to refer in what has been said from the opposite benches. In the first place I was surprised to hear from an eminent lawyer like the Honourable Mr. Sapru that this Bill is not within the spirit of the Government of India Act and that the power of certification was given only to

[Mr. T. Sloan.]

be used in cases of emergency. Well, Sir, during the years 1917 to 1919 I was rather closely associated with the Reforms work of those years and I thought that the Honourable Mr. Sapru must be wrong and I have confirmed my own impression by turning up the report of the Joint Select Committee on the Government of India Bill. If you will excuse me I will read just one sentence:

"The Committee have no hesitation in accepting the view that the Governor General in Council should in all circumstances be fully empowered to secure legislation which is required for the discharge of his responsibilities".

There is no mention whatever in that of emergency.

THE HONOURABLE MR. P. N. SAPRU: I made a distinction between the letter of the law and the spirit.

THE HONOURABLE MR. T. SLOAN: Exactly, Sir, this is the spirit. Now I should like to turn to certain arguments used by the Honourable Mr. Hossain Imam. He said that there were four courses which Government might have taken. They might have dropped the Bill and given a warning to the Press and if the Press did not observe that warning then the Bill could have been reintroduced and every one would have accepted it. They might have dissolved the House. The Governor General might have certified the Bill in a modified form. And lastly, Government might have reintroduced the Bill in its original form in this House. Well, I think the Government took the wise step in doing what they have done. Government have had experience of giving the Press a chance. It has been impressed on this House that for three periods during the last 15 years there has been no control and each time there has been immediate and serious deterioration. To drop the Bill and to wait would merely have given a chance to the mischief makers to set the house on fire, and with the present communal tension in the country that is a risk which Government obviously could not have taken. My Honourable friend Mr. Padshah has sufficiently disposed of the suggestion that we should have dissolved the House. As regards certifying in a modified form I need only say what was previously said by the Honourable Home Member that the Assembly had every opportunity, if they had wished, of modifying this Bill in any way that they desired. They refused absolutely to take it into consideration, and by so doing they deprived themselves, and also unfortunately deprived this House, of the opportunity of modifying the Bill in any way. Lastly, there was the proposal that we should have reintroduced the Bill in its original form in the Council of State. Well, there I think the time factor came in. The objection to that is that if we had done so it would have been very unlikely if not impossible for us to get the Bill passed before the Act of 1932 passed in December.

THE HONOURABLE MR. HOSSAIN IMAM: Could we not have had a second session in Delhi?

THE HONOURABLE MR. T. SLOAN: We might have had but there is no guarantee that we could have got this Bill through. One other point from the Honourable Mr. Hossain Imam's speech. He accused the Government for some reason or other of not playing fair. I do not quite know why? He did not seem to think that this Bill in its present form was quite cricket. It gave too much power to the Executive and he blamed the Government for

that. Among other remarks, he said that by a stroke of the pen in 1932 Government had extended the Press (Emergency Powers) Act for three years—by a stroke of the pen. Actually of course the Bill was discussed in the other House for 15 days, apart altogether from lengthy discussions in Select Committee. We are now only continuing in force two Acts which were shaped by the Assembly and by this House in 1932 and passed by large majorities by both Houses after very lengthy and elaborate discussions. Thus, Sir, if the Bill is not a fair Bill, then I think the Assembly and this House also must take at least a share of the blame for that.

Now, Sir, I recognise that there has been a great deal of support for the principles of the Bill in this House and I welcome that. There has been general condemnation and hatred expressed for terrorism and for communism, but there has been at the same time a certain amount of criticism of our way of dealing with these evils, and we have been told that we should get down to the root causes in the case of terrorism and we should diagnose it properly and deal with it in that way. In the case of communism we have been blamed for allowing it to come in from western countries and that what we ought to do is to keep it out, that our policy has been a negative one. Well, Sir, I deny that absolutely. Our policy is not a purely negative one. If you take terrorism and ask what the causes are, I think you will find very many different answers. I am not going to go into that at present but I would remind the House that in that regard the Bengal Government are at present dealing with the economic problem and the education problem and that their policy certainly is not a purely negative one. In the case of communism admittedly most communist literature comes from Europe, but we do not sit still and allow it to flood into the country, even though the Honourable Mr. Sapru has told us that it is quite useless to try and keep it out. We do try and keep it out by the use of the Sea Customs Act. But, Sir, are these causes altogether relevant to the present discussion? The evils are admitted and the dangers are admitted, and it is also very generally admitted that the existing law is insufficient to deal with them. Then would Honourable Members have us to do nothing more? I should like to compare this with the case of an epidemic, say of small-pox or cholera. In such an epidemic would the patient be left alone while the doctors search round for the causes or the sources of infection? No, Sir, they would treat the individual patients while at the same time dealing with the sources of infection. That is what we are today doing in India. In Bengal they have got special Acts for dealing with terrorism. These are for dealing with the patients. We here by the Press Act are trying to stop the infection so far as we can. Our unlawful association provisions help us to deal with communism and there we try to stop the infection partly by the Sea Customs Act and partly by the Press Act. Honourable Members have recognised—and very rightly recognised—the work that Sir John Anderson has been doing in Bengal trying to deal with the root causes of terrorism. I should like to remind them that Sir John Anderson is also a supporter of this Bill. He realises that you cannot leave the evil alone; you must use every check you have got while also dealing with the root causes.

Now, Sir, I should like to say one or two words—quite briefly—about communism. Recently as a result of searches in Bombay we have acquired

[Mr. T. Sloan.]

some very valuable information about communism which has confirmed our suspicions and has enabled us to get valuable evidence of the work of the communists, showing how widespread their activities are and also showing in a very interesting way how effective our law has been. A resolution passed by the Provisional Central Committee of the Communist Party of India on October 30th, 1934, mentioned having received reports submitted by Madras, Calcutta, Nagpur—I call the attention of my Honourable friend Mr. Kalikar to this; he thought his province was free from all these things—Nagpur, and oral reports of party work from the United Provinces and from the Bombay Presidency, that is outside Bombay City. No reports had been received from the Punjab and the resolution went on to direct the Secretary to call for a report from that province. That shows how widespread is the work of this committee. We also got from the same searches a list of secret instructions for work in India drawn up by the Communist Internationale. The following information is from a paper found in one of the houses searched? After summarising the difficulties and the imperfections of the organisation, this paper says that these are borne out first by the textile strike of 1934 in Bombay, which, as Honourable Members will remember, broke down, and, secondly, by the virtually paralysed condition of the party since the ban. That ban is the ban under the Criminal Law Amendment Act. No more convincing proof could be got I think than this document of the effectiveness of our Act. In speaking on Monday I mentioned the difficulty the Communist Party had in getting funds and I have brought with me today rather an interesting document; actually it is page 363 of a well known novel called *The Good Companions*. It is a very innocent looking paper. Actually that is a receipt for £363 brought out from England by a certain lady and the initials of the recipients are given on the document. I show this to show the secret methods to which the communists are reduced for bringing out funds and for getting receipts for their funds.

Now, Sir, I will just say one word about one point on which there was a considerable amount of criticism, that is, the permanency of this Act. The Honourable Sir Phiroze Sethna told us that if it was not for that practically the whole House would support us and he went on to speak as though this Act was on the Statute-book for all time, a law, shall we say, of the Medes and the Persians, which never changes, which would be always there. That is not the position at all. The meaning of permanency is only that there is no period put to the validity of the law, but it is open and will be open to the Legislatures of the future to repeal this law at any time they want. My Honourable friend Mr. Hossain Imam suggested that this could not be done without the sanction of the Governor General. That is so under the present Government of India Act, but on my reading of the new Government of India Act such sanction will not be necessary and it will be open to any Provincial Government if they feel that they can do without this Act to repeal it at any time.

One other point, Sir, was a suggestion made by several Honourable Members that district officers should be asked to apply this Act with restraint and discrimination. There are at present, I understand, orders to that effect. We claim that the Act has been applied with restraint and with

discrimination, but I have no hesitation in giving Honourable Members an undertaking that these orders will be again brought to the notice of Local Governments. (Applause.)

One last word, Sir, before I close. I would ask Honourable Members with absolute honesty to consider the position in which India stands today and to compare it with the position in which India stood 50, 30 or even 15 years ago and then to ask themselves whether it can truthfully be said that the policy of Government has been such as to stifle the spirit of nationalism or indeed has been anything other than the gradual development of political institutions along lines which would ultimately lead to the establishment in this country of the greatest Federation which the world has ever seen, which would unite the whole of India under a single government deriving its authority from the Crown. If that has been the consistent policy of Government—and I claim that it has been—can it honestly be said that it has been a policy of denial of national expression or national pride or a policy of repression? And now that we are on the eve of the culmination of this policy, can we rightly be accused of base motives in desiring to see this Bill placed on the Statute-book? As I said, Sir, in concluding my previous speech, we believe that this Bill is in the true interest of the great mass of the people of India and that it is essential for the peace and good government of this great country and it is because of that belief that I confidently ask for the support of all Honourable Members in the Motion which will now be put before the House. (Applause.)

THE HONOURABLE MR. HOSSAIN IMAM: On a point of order, Sir.

4-5 P.M. The Honourable the Home Secretary did not enlighten us as to whether the effect of this Act will be to give permanency to section 3 of Act XI of 1934?

THE HONOURABLE THE PRESIDENT: There is no point of order in that.

THE HONOURABLE MR. HOSSAIN IMAM: The point of order is this, Sir, that because the Bill does not express anywhere that such and such an Act is being amended or given permanency to, I ask your ruling whether the Bill is in order, Sir?

THE HONOURABLE THE PRESIDENT: The Bill is perfectly in order.

Motion made:

“That the Bill to amend the Criminal Law, in the form recommended by the Governor General, be taken into consideration.”

The Question is:

“That that Motion be adopted.”

The Council divided :

AYES—35.

Brayshay, The Honourable Sir Maurice.	Kameshwar Singh of Darbhanga, The Honourable Maharajadhiraja Sir.
Buta Singh, The Honourable Sardar.	Macqueen, The Honourable Mr. P.
Campbell, The Honourable Mr. G. R.	Maqbul Husain, The Honourable Khan Bahadur Shaikh.
Charanjit Singh, The Honourable Raja.	Menon, The Honourable Diwan Bahadur Sir Ramunni.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.	Mitchell, The Honourable Mr. D. G.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.	Muhammad Din, The Honourable Khan Bahadur Nawab Chaudri.
Commander-in-Chief, His Excellency the.	Noon, The Honourable Nawab Malik Sir Muhammad Hayat Khan.
Devadoss, The Honourable Sir David.	Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Dow, The Honourable Mr. T. M.	Parker, The Honourable Mr. R. H.
Ghazanfar Ali Khan, The Honourable Raja.	Ram Chandra, The Honourable Mr.
Ghosal, The Honourable Mr. Jyotsnanath.	Ray of Dinajpur, The Honourable Maharaja Jagdish Nath.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Sloan, The Honourable Mr. T.
Glancy, The Honourable Sir Bertrand.	Spence, The Honourable Mr. G. H.
Habibullah of Dacca, The Honourable Nawab Khwaja.	Stewart, The Honourable Mr. T. A.
Hafeez, The Honourable Khan Bahadur Syed Abdul.	Suhrawardy, The Honourable Mr. Mahmood.
Haidar, The Honourable Khan Bahadur Shams-ud-Din.	Tallents, The Honourable Mr. P. C.
Jalan, The Honourable Rai Bahadur Radha Krishna.	Ugra, The Honourable Rai Sahib Pandit Gokaran Nath.
Johnson, The Honourable Mr. J. N. G.	

NOES—10.

Banerjee, The Honourable Mr. Jagdish Chandra.	Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.
Gounder, The Honourable Mr. V. C. Vellingiri.	Naidu, The Honourable Mr. Y. Ranganayakalu.
Hossain Imam, The Honourable Mr.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Jagdish Prasad, The Honourable Rai Bahadur Lala.	Sapru, The Honourable Mr. P. N.
Kalika, The Honourable Mr. V. V.	Sethna, The Honourable Sir Phiroze.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : The Question is :

"That clause 2 stand part of the Bill."

*THE HONOURABLE MR. P. N. SAPRU : Sir, the effect of the sub-sections to this clause will be this. Suppose I am a journalist and I happen to read an article in the *New Statesman* and in that article there is a quotation from Trotsky's *History of the Russian Revolution*. I find it is an absolutely

*Not corrected by the Honourable Member.

inoffensive quotation and I happen to write a leading article and I quote that passage from that book. Well, Sir, then I get hauled up before a court of law for quoting from something that is proscribed, even though I did not know that it was proscribed, even though I do not possess that book, even though I have merely reproduced something that is written in that proscribed book from some other newspaper. Well, Sir, I think that is a very dangerous clause because it gives very wide powers to the Executive which place the Press absolutely at the mercy of the Executive. Then, Sir, as regards the other clauses—

THE HONOURABLE THE PRESIDENT : Do you wish to speak on them in conjunction with clause 2 ?

THE HONOURABLE MR. P. N. SAPRU : They are all parts of the same Act, Sir. So far as I am concerned, I am very strongly opposed to every clause of the Bill, and there is not a single clause which I can support.

*THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to oppose clause 2 of the Bill because it gives permanency to certain of the provisions of the States Protection Act. That section, Sir, states that certain sections of the Press (Emergency Powers) Act shall be so interpreted, etc. As regards that portion, I wish to bring to the notice of the House and the Government the opinion not of non-officials but of the highest officials who have said things about this, and my quotations will show that even your officials in the country are opposed to it. First of all, I take the opinion of the Commissioner of my division, who acts as Political Agent to some States. In this opinion, circulated to us, he said :

"I doubt whether this or any other Act will be an effective remedy in cases where the personal idiosyncrasies of a ruler lay him open to attack".

Further on, he says :

"There is unfortunately little reason to suppose that any legislative action will finally kill a nuisance which thrives on the willingness of a ruler to pay blackmail as the cheapest way to avoid trouble".

That is the opinion of the Commissioner of the Kumaon Division. I now come to the opinion of the Commissioner, Central Division, Bombay. He was also connected with the administration of Indian States. He says :

"It is not desirable that the editor of a newspaper should be exposed to the risk of conviction for exciting disaffection amongst the subjects of an Indian State if he brings to light the true facts as to acts done by the administration which, if made known, can not but excite disaffection".

THE HONOURABLE THE PRESIDENT : You know very well that the Government of India is not bound by individual expressions of opinion.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, the Government of India are bound by nothing on earth. They are bound only by their sweet will, but that is no reason why we should be bound by that dictum. We are here to voice the opinion of the millions of India and we cannot take their action as our guide. There is no reason why we should do so. If they want that there should be no opposition to them, then the best way is to close all the Legislatures, and if you, Sir, think that we are wasting the time of the House—

THE HONOURABLE THE PRESIDENT : I did not say you are wasting the time of the House.

*Not corrected by the Honourable Member.

THE HONOURABLE MR. HOSSAIN IMAM — or that it would serve no useful purpose to discuss this, it is better that you order this House to take a vow of silence rather than speak. If I do transgress the rules of business, you have every right, Sir, to stop me.

THE HONOURABLE THE PRESIDENT: But I have not stopped you.

THE HONOURABLE MR. D. G. MITCHELL: I suggest that the Honourable Member should proceed with his speech, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: I will refer to the opinion of the District Magistrate of Poona who is the Political Agent for certain States in that area. His opinion on this Act was:

"The administration of the Indian States is an internal part of our Government machinery in India. Press agitation against a State is, I should imagine, mostly ineffective and when it is effective it is either desirable or can be dealt with under our present law or the provisions of this Bill".

Sir, the Additional District and Sessions Judge, Ajmer-Merwara, said:

"The States as they are constituted at present.....require the healthy check on fair and fearless criticism from the press and platform of British India to keep them going right".

The District Magistrate of Trichinopoly says:

"That this Act gives jurisdiction to Courts in British India to try offences committed by a subject of a State within the territory of a State".

These quotations show that the opinion of the people most competent to judge is not universally in favour of giving permanency to this Act. My point is, that you are bringing in a thing by the back door and then confront us as if it were our action. I would like to inform the Honourable Mr. Sloan—I am afraid I did not make myself clear in my remarks—what I meant was that the drafting of amendments whereby the temporary nature of an Act is modified does not give the Legislature either the power or the opportunity to amend the entire Act. This was the point which I raised in connection with the Trade Disputes Act. Clause 2 (2) of the present Bill is drafted:

"Sub-section (3) of section 1 of the Indian Press (Emergency Powers) Act, 1931, is hereby repealed".

By repealing this, you take away the temporary nature of that Act. But at the same time you do not give the Legislature an opportunity to amend that Act. Under the present rules of business, we are precluded from putting in any amendment of an Act which does not form part of this amending Bill. This difficulty under which we labour makes it impossible for us to improve the temporary Acts which have been made permanent. Therefore, Sir, what I meant when I said that the Government utilise the back door is not any reflection on the *bona fides* of Government. I am simply pointing out my own disability. I therefore request the Government to take a direct course by bringing the whole Act before the Legislature, if they wish to make it permanent, so that we may have an opportunity of discussing it in detail and amending the existing temporary Acts in order to make it suitable for the present purpose. Therefore, Sir, I oppose this clause.

THE HONOURABLE MR. D. G. MITCHELL (Leader of the House): Sir, I would like to make a few remarks on what the Honourable Mr. Sapru

said. He gave a somewhat hypothetical case of he himself reproducing a quotation from an article in the *New Statesman*. I think I can assure the Honourable Member that if he were to reproduce a proscribed article from the *New Statesman* and comment upon it, I have no doubt that there will be no prosecution.

THE HONOURABLE MR. P. N. SAPRU: I was not thinking of myself merely.

THE HONOURABLE MR. D. G. MITCHELL: So long as the comment on the quotation is reasonable there will be no prosecution. If such comment is objectionable then there is no reason why a prosecution should not be launched. As regards the remarks of the Honourable Mr. Hossain Imam, in which he became somewhat heated, I would point out that there is no reason why, in a Bill of this character, any of the provisions in the Act which is to be continued should not be amended. Any amendment of the Press Act or of the other Acts continued by this Bill would be in order. There is no question, therefore, of Government attempting to diddle the House out of its possible rights. He mentioned the Princes (Protection) Bill and he gave a large number of quotations from the opinions which were called for before the Bill was passed. I would point out in the first place that he gave the opinions of a few minor officials and entirely neglected the vast mass of opinions from Local Governments, other officials and even High Courts. His statement was a purely ex-parte one and very far from being fair. I would also point out in that connection that the quotations he made were from opinions taken on the Bill before it was passed. The Bill was fully discussed in the Lower House and it was discussed and passed by this very House, I think only last year. There is no point to be gained in raking up a few odd opinions here and there out of a great mass of opinions which have already been discussed and settled in this House.

To conclude, Sir, I would suggest that, as a further debate has rather unexpectedly arisen on clauses, we should adjourn now and resume the debate on clause on Friday morning.

THE HONOURABLE MR. P. N. SAPRU: People from all provinces have to do some oblations on Friday and would like to have it as a holiday.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: I feel some confusion as to whether by voting on this particular clause we will also be voting for the Princes (Protection) Bill and I would like the Government to explain to us whether it is not possible for them to take a vote separately, because those of us who are prepared to support the Government on this measure may be very reluctant to give support in regard to the Princes (Protection) Bill.

THE HONOURABLE MR. D. G. MITCHELL: In order to cut out the portion of this clause which would continue the Princes (Protection) Bill it would be necessary to give notice of a formal amendment. No amendment has been tabled so far.

THE HONOURABLE THE PRESIDENT: You can oppose it when the time comes.

The Council then adjourned till Eleven of the Clock on Thursday, the 26th September, 1935.

COUNCIL OF STATE.

Thursday, 26th September, 1935.

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

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad which was passed by the Legislative Assembly at its meeting held on Wednesday, the 25th September, 1935.

STATEMENT OF BUSINESS.

THE HONOURABLE MR. D. G. MITCHELL (Leader of the House): I think, Sir, that it will be for the convenience of the House if you permit me to make a statement of business at this stage. The business of which the Council has still to dispose before the session terminates consists of everything outstanding from yesterday's agenda with the addition of the Coffee Cess Bill which was laid on the table on Tuesday last and of the Divorce Proceedings Validation Bill which has been laid on the table today. From what transpired yesterday after the adoption of the Motion for the Consideration of the Criminal Law Amendment Bill I can only infer that the debate on the remaining stages of that measure will be protracted to such an extent that if the Council does not sit tomorrow there will be no prospect of concluding the outstanding business of the session on Saturday. I am aware that tomorrow, though not a holiday, is a day on which the Hindu Members of the Council would have preferred that the Council should not sit. With every desire to respect that preference, I have good reason to believe that the convenience of Members at large and the religious sentiments of the majority of the Hindu Members themselves would be more seriously affected by a failure to conclude the business of the session on Saturday than by the holding of a meeting tomorrow, for a failure to conclude the business of the session on Saturday would mean that Members remaining until the session was concluded would be unable to reach their homes in time to celebrate the Pujah Holidays which in Bengal and certain other provinces commence on October the 1st. In these circumstances, Sir, I am constrained to renew my suggestion of yesterday that the Council should meet tomorrow to dispose of the business entered on yesterday's agenda and that the remaining business, namely, the Coffee Cess Bill and the Divorce Proceedings Validation Bill should be taken on Saturday with a curtailment in respect of the last named Bill of the normal period of notice from three to two days.

THE HONOURABLE MR. HOSSAIN IMAM: The non-official business is not heavy today and we might proceed with the Criminal Law Amendment Bill after the non-official business is finished and finish it and the rest of the work may be transacted on Saturday.

THE HONOURABLE THE PRESIDENT: Do you think you will be able to finish today's business early?

THE HONOURABLE MR. HOSSAIN IMAM: Yes, Sir.

THE HONOURABLE MR. D. G. MITCHELL: Government very gladly accept the suggestion, if you, Sir, are prepared to adopt it. You have the power to take up official business after the non-official business has been concluded.

THE HONOURABLE THE PRESIDENT: I have the power under Standing Order 7 to allow this request to be entertained and I therefore decide that after the termination of today's business we will proceed with the further discussion of the Criminal Law Amendment Bill.

PARSI MARRIAGE AND DIVORCE BILL.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I beg to present the report of the Joint Committee on the Bill to amend the law relating to marriage and divorce among Parsis.

DURGAH KHWAJA SAHEB BILL.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab: Muhammadan): Sir, I beg leave to introduce:

"A Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moinuddin Chisti, generally known as the Durgah Khwaja Saheb, Ajmer."

At this stage I do not think it is necessary for me to elaborate the various clauses of this Bill and I will only submit that this Durgah of Khwaja Moinuddin Chisti, Ajmer Shrine is the most sacred institution in India and Muhammadans all over the country have been feeling for a long time that the management of this Durgah should be put on a better footing. The Government had passed a law in 1867 appointing a committee, but the membership of that committee was for their life-time. This is considered a very undesirable sort of arrangement and the object of this Bill is to put the management of the Durgah in the hands of independent Mussalmans of Ajmer who will be elected by a popular electorate. At present the management is vested in the hands of those who are interested in the finances of the Durgah and therefore the arrangements are far from satisfactory. The desire for passing an Act on these lines has been expressed by the Muhammadan community throughout India and this desire has increased during the last two months. As Ajmer is a directly administered area, it is only the Central Legislature which can pass this Bill. I hope that the Government will also co-operate in seeing that this most desirable change is brought about without any loss of time. And I further appeal to the Muhammadan Members of the different Provincial Legislatures to follow this lead and introduce Bills concerning such sacred institutions in their own provinces in the different Provincial Councils.

THE HONOURABLE THE PRESIDENT: Motion made for leave to introduce:

"A Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moinuddin Chisti, generally known as the Durgah Khwaja Saheb, Ajmer."

THE HONOURABLE KHAN BAHADUR NAWAB CHAUDRI MUHAMMAD DIN (East Punjab: Muhammadan): Sir,—

THE HONOURABLE MR. G. H. SPENCE (Government of India: Nominated Official): Sir, may I ask if the Honourable Member intends to oppose the Bill?

THE HONOURABLE THE PRESIDENT: Are you opposing the Bill?

THE HONOURABLE KHAN BAHADUR NAWAB CHAUDRI MUHAMMAD DIN: I am supporting it.

THE HONOURABLE THE PRESIDENT: If you are opposing the Motion you can speak now.

It is not necessary to read the Motion again.

The Motion was adopted.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Sir, I introduce the Bill.

RESOLUTION *RE* IMPROVEMENT OF JAIL LIBRARIES.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, I beg to move the following Resolution:

"This Council recommends to the Governor General in Council to take such early steps as may be necessary to improve the libraries set apart for the use of the prisoners in the various jails in India."

Sir, I am just speaking with my personal experience of many jails in India that the present libraries are quite inadequate to meet the growing needs of the prison population. With your permission I shall read the relevant portion from the report of the Jails Committee of 1920. This is what they say at page 151:

"In addition to the provision of instruction for such prisoners as are capable of benefiting by it, we think it very desirable that jails should contain a supply of books suitable for issue to those prisoners who can read. Jail libraries where they exist at all are at present generally very inadequate. We recommend that a small library be provided in every central and district jail. The initial cost would not be great and the recurring outlay required for maintenance would be trifling. It should be placed in charge of an assistant jailor or possibly of an educated convict, if one is available, and prisoners should be allowed to borrow and exchange books freely under such rules as may be prescribed locally. Encouragement should be given to any prisoner who shows an inclination to spend his spare time in reading and in special cases if a man gives evidence of a desire to pursue a particular line of study he should be provided with any books reasonably required for the purpose. The books in jail libraries should be both in English and in the local vernaculars. They should not be exclusively religious and moral works but should include books which will promote a taste for reading."

Sir, on this, I think the Government of India have addressed Local Governments and they have formed small libraries in some of the central and district jails. During the course of my visits to jails in India I have very carefully

[Diwan Bahadur G. Narayanaswami Chetty.]

looked into the libraries. I do find that the present libraries are quite inadequate and the Local Governments of many provinces are not bestowing the attention that is required to improve the libraries in these jails. No doubt my Honourable friend Mr. Sloan may say it is a matter for the provinces, but I do feel that in a matter like this it is of all-India importance that the Central Government should ask the Local Governments to take the necessary steps. So far as the Madras Government is concerned, on the 26th June, 1930, the Government appointed a Committee and I shall read one or two relevant passages to show what its aims and constitution were :

"With a view to provide reasonable facilities for the intellectual requirements of educated and literate prisoners, the Government of India directed the Local Governments to examine the condition of jail libraries in the province and to take steps to establish them where these are non-existent and improve them where they are defective. The Government at first accepted the proposal of the Inspector General of Prisons that the Superintendents of Jails might be directed to examine the condition of libraries in their respective jails and to submit proposals for effecting improvements. Steps have already been taken by the Inspector General to obtain lists of books available in existing jail libraries and Superintendents of Jails have also been asked to consult the District Educational Officers as to possible requirements.

"The Government now consider that a committee should be formed to co-ordinate the opinions of these officers and suggest ways for placing jail libraries on a proper basis, and for the standardisation of books considered suitable to be placed in them, the standard of books being as far as possible kept on a level suitable to the general reader. They accordingly constitute a Committee with the following gentlemen as its members :

- (1) The Honourable Diwan Bahadur G. Narayanaswami Chetty Garu, C.I.E., (Chairman).
- (2) M. R. Ry. V. Krishna Rao Pantulu Garu, Telugu Translator to Government.
- (3) M. R. Ry. C. Achuta Menon Avl., Reader in Malayalam University, Orienta Research Institute.
- (4) M. R. Ry. C. R. Namasivaya Mudalyar Avl., Lecturer, Queen Mary's College, Madras, and
- (5) M. R. Ry. Rao Bahadur A. C. Pranartihara Aiyar Avl., I.S.O., Registrar of Books.

The Superintendent of Prisons, Madras, will be Secretary to the Committee "

Sir, the Committee met and made a report. What was the result of that ? The Government said in their order, dated the 2nd February, 1932 :

"The Government have considered these proposals and are unable to find the requisite funds in the present state of provincial finance. The Inspector General is requested to resubmit the proposals for consideration as a Part II scheme when there is a prospect of funds becoming available for the purpose "

That was in 1932. I am sorry to say that nothing has been done till now. Therefore, Sir, the Government of India ought to see that not only my province but all the provinces are made to spend some money in improving the libraries. So far as the A and B classes are concerned, they are allowed to get books from their friends when they are there. But it is the unfortunate C class prisoners that cannot get them. When I recently visited one central jail, I did not find a single copy of the *Ramayana*. That is a great book for the Hindus and the convict population are very eager to read books of this sort. And so far as the *Mahabharatan* was concerned, I found only pieces and portions of it instead of the whole book. These are religious books and would be helpful in reforming the prisoners. I do not think I need take much

of the time of the House. I am sure many of the Honourable Members will sympathise with the object of this Resolution and will urge upon the Government of India to press Local Governments to take early steps in the matter. The finances of the various Provincial Governments are in a very good state. After all, if each province spends a thousand rupees annually on the improvement of jail libraries it will be quite enough. I do not think many words of mine are necessary to commend the Resolution to the House.

Sir, I move.

THE HONOURABLE KHAN BAHADUR NAWAB CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, I support the Resolution moved by my friend the Honourable Diwan Bahadur Chetty who has been doing very useful work in connection with the reclamation of prisoners all over India. Well, Sir, these libraries are very useful for self-improvement. The majority of our prisoners in India are no doubt illiterate. The educated ones, however, though small in number, require good books to keep their minds occupied and also bring them in contact with the best minds. Continued association with persons who have committed ghastly crimes has a debasing effect on the mind and if the company of good men is not available, we should at least provide them with the company of good books so that they may come out of the jails more useful citizens than they were before they entered the prisons.

THE HONOURABLE MR. T. SLOAN (Home Secretary) : Sir, like my Honourable friend the Nawab Sahib who has just spoken I admire the Honourable Diwan Bahadur for his persistence and enthusiasm in the cause of better conditions in the jails and I can assure him that we have every sympathy with his aims and objects. I am not going to deal with the history of this question of libraries in jails which began with the recommendation of the Jail Committee in 1920. I will come down to much more recent times and remind the House of a question asked by the Honourable Diwan Bahadur in the Delhi session of the Legislature when he asked about the number of jails in India which had libraries. We then made inquiries from all Local Governments, with the result that we found that in the five provinces of Madras, Bombay, the United Provinces, Punjab and Assam, all jails had libraries, and in Bengal, Bihar and Orissa, and the Central Provinces, all central and some district jails had libraries. No doubt, these libraries are not what the Honourable Diwan Bahadur would like them to be. Well, as a result of that question, the Government of India in May last, that is less than six months ago, called the attention of all Local Governments to certain orders passed in 1930 which were to the effect that reasonable facilities should be provided for the intellectual requirements of educated and literate prisoners, and also that the condition of jail libraries should be examined and where these were found to be defective or non-existent, early steps should be taken to improve or, in the alternative, to establish them. These were the orders of 1930. We called attention to these orders in May last and we impressed on Local Governments the desirability in modern conditions of giving literate prisoners books to occupy their minds and to stimulate thought. As I say, Sir, these orders were only passed in May and it is too early yet to know what the results have been. The Honourable Diwan Bahadur would like us to address

[Mr. T. Sloan.]

all Local Governments again. I feel myself—and I think a good many Honourable Members will feel with me—that it is perhaps rather too soon for us to address Local Governments again in the matter. We know that all Local Governments at present are in somewhat straitened financial conditions and they are finding difficulty in finding money for what I might call much more popular subjects than this and it is rather difficult for us in these conditions to press them too often or too hard. But I can assure the Honourable Member that we are in sympathy with him in this matter, that we will keep it before us, and that we will do what we can to keep it before Local Governments and to see that they do not neglect their responsibilities in this matter. I hope, Sir, that that will satisfy my Honourable friend and that he will not press his Resolution.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadian) : Sir, the object of providing libraries is for the literate only. My Honourable friend who supported the Resolution told us that the majority of the population are illiterate. I do not know whether the object of my Honourable friend who moved this Resolution is also to benefit the illiterate majority of the population. If that is his idea, then I think that a reader is necessary to make the illiterates also get the benefit of these libraries. If the Honourable mover has this object also in view, I also would like to support this Resolution.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY : Sir, the Honourable Mr. Sloan has just stated that the provinces cannot do anything at present owing to the financial stringency. All the provinces are not so bankrupt as to be unable to provide even a few hundred rupees each for the improvement of the jail libraries. If any province cannot do it, I hope the Government of India will dole out some money to that province. After all, jails are not a transferred subject. It is still a reserved subject. It will be another two or three years before all these subjects are transferred to the charge of popular ministers. Till that time, I hope the Government will not starve these libraries. I know some provinces can afford to spend a thousand rupees on these libraries. It is a small matter. I do not think the Government will have any difficulty in impressing upon the Provincial Governments the necessity of improving these libraries. Sir, as the Government of India have already taken some steps in the matter and as the Honourable the Home Secretary has promised that he will take further steps to impress upon the Local Governments the necessity of taking early steps to improve these libraries, I do not wish to press my Resolution and I beg leave of the House to withdraw it.

THE HONOURABLE THE PRESIDENT : Is it your pleasure that leave be given to the Honourable Member to withdraw his Resolution ?

SOME HONOURABLE MEMBERS : " Yes ".

AN HONOURABLE MEMBER : " No ".

THE HONOURABLE THE PRESIDENT : Resolution moved :

" This Council recommends to the Governor General in Council to take such early steps as may be necessary to improve the libraries set apart for the use of the prisoners in the various jails in India."

The Question is :

" That that Resolution be adopted. " .

The Motion was adopted.

RESOLUTION *RE* PURCHASE OF GOLD.

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

" That this Council recommends to the Governor General in Council to purchase gold in India at the current market rate and to put a small export tax on gold exported out of India."

Sir, this Resolution is a part of the general scheme for reserving the resources of the country. When I gave notice of the two Resolutions, one relating to sterling loans and the other about gold purchase, my idea was to treat them as separate entities. The Honourable the Finance Secretary, while replying to my former Resolution, referred to this Resolution and he regarded these two as part and parcel of one scheme which will have an adverse effect on the finances of the Government of India. I have therefore been compelled to move this Resolution. Sir, gold export has many effects on our export trade. Firstly, the effect of an unchecked flow of gold is to have a surplus of funds in foreign markets and thereby induce a flow of imports into India. The second effect of gold export is that it causes a deterioration in the capital of the country which may be available for meeting foreign debts. The third effect is that it helps materially to maintain an unnatural and high rate of exchange which is disadvantageous to the interests of Indian exporters. For these reasons, Sir, we have tried many a time to induce the Government to put a stop on the unchecked flow of gold.

Sir, I moved a Resolution very much on the same lines on the 13th September, 1933. The difference between the wording of that Resolution and the present Resolution is that there I had indicated a certain amount of tax to be imposed, and I had asked Government to check the flow of gold, whereas now I do not ask them to do either of those things. My idea is simply that while allowing the gold to flow, some advantage should be taken by the Government of this opportunity to purchase gold inside the country. The reason why I ask the Government to purchase gold is this. No doubt, our holding of sterling has increased during the time we have been off the gold standard. Nevertheless, the amount of sterling holding is not so great and valuable as to allow us to do away with the gold that we want. I have to complain, Sir, that the Department of the Honourable Finance Secretary, *i.e.*, the branch under the Controller of the Currency, whose work has been materially lightened, has not yet been able to issue his annual report up till now on the management of the currency. Last year it was issued some time in August, I think in the beginning of August, but this year up till now no report has been issued. That has materially hampered me in giving statistics.

THE HONOURABLE THE PRESIDENT : You know there has been a transfer to the Reserve Bank.

THE HONOURABLE MR. HOSSAIN IMAM : But that has lightened the work of the Currency Department.

THE HONOURABLE THE PRESIDENT: It would not lighten the work in the preliminary stages.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the Controller of the Currency had to submit a report ending 31st March, 1935. In that period there was no Reserve Bank in existence. But as I said, I do not want to give many statistics because they are available to all the world, being published every week in the newspapers showing the position in regard to the amount of gold exported out of India since we went off the gold standard. As you know, nearly Rs. 253 crores of gold has been exported.

What I wish to bring to the notice of the House and the Finance Department is that we ought to follow the lines which England has followed so far. I am a great admirer of England and its methods and I have always asked the House and the Government to take that as a model and copy it. But strangely enough, when we want England to be copied we are thought to be extremists, but when it is something against our interests then what England dictates is held up to us as an example for us to follow? Now, what has the Bank of England done since it went off the gold standard? It will surprise the House perhaps though not the Finance Department that from the 21st September, 1931, when the Bank of England went off the gold standard up to date they have added Rs. 80 crores worth of gold to their reserve. Has the Government of India added anything to our reserve of gold? I challenge them to give us figures about this mismanagement of our currency reserves. Then, a further fact which is known to very few of us but is well known to the Finance Department is that not only the Bank of England but the Exchange Equalisation Fund has also been operating in the gold market of London and its holding of gold is enormous, anything from Rs. 100 crores and above. We are not able to give the exact figures because its holdings are not published by this Fund, but there are factors which give us an almost exact idea of what the Fund has been doing in the market. From the weekly reports of arrivals of gold in England and the gold purchased by other countries and re-exported after subtracting the gold purchased by the Bank of England of which we have records, you find that an enormous amount remains over of which no accounts can be found and of which about 90 per cent. is held by the Exchange Equalisation Fund. England, with all its enormous resources, with all its invested capital out of the country and with no drain facing it, has been prudent enough and sagacious enough to purchase gold and hold it in its reserves. But our Government, which does not want to safeguard the currency and which has no incentive to do good by us, has been allowing this flow of gold to continue. The Honourable the Finance Secretary has stated that if he stopped sterling borrowing and stopped the flow of gold then the exchange position would be jeopardised. That is the nightmare from which they suffer; that is the one thing of which they are terribly frightened; they think that if they do anything to check this flow of gold they will be faced with exchange difficulties. Their fear might have had some ground if the balance of account had been getting smaller and smaller. But seeing that the balance of account is increasing and is more than sufficient for all the petty requirements that may have to be met in the sterling market, it is not understandable why they should not purchase gold themselves.

Now, Sir, I should like to place before you statistics to show how England and its trade has gained by this prudent method of conserving gold resources.

I have not the latest figures, but from the figures up to 1934 I find that the price parity of United Kingdom manufactured goods exported to the raw materials imported in 1929 was about 100, while at the end of 1934 it was 122. But in India, mark this, Sir, while the price of our exported goods was 97 in 1929, it has fallen to 77 in 1934. The price parity of exported goods in England has arisen by 22 per cent. while ours has fallen by 20 per cent. This difference is due to the manipulation of the Exchange Equalisation Fund. Sterling is always allowed to come up or go down as trade demands but in India we have to follow in the wake of sterling; we have no independent existence. Even this method of checking the export of gold or of making it difficult and of trying to stimulate our exports by operating in the gold market has not been adopted. As is well known to you, Sir, India plays the leading part at present in the gold market. Any movement in India of either checking or of augmenting the gold supplies would have an immediate effect on the price factor of this commodity—gold—throughout the world. We are eating up our capital, and no one who wastes his capital need be proud of the fact that he has got a high position. In past days we had to acquire sterling and thereby purchase gold. Now gold is being offered here; we do not require any foreign accommodation to be able to purchase gold, and yet the Government in its wisdom will not purchase gold. And what is the stock argument that the Government have got? That gold is a thing on which you get no interest and therefore it is disadvantageous to purchase gold, and hence you must sell it. Purchase sterling securities getting an insecure return of 16½s. per £100 or less than one per cent. The majority of our funds, perhaps, 40 per cent., is invested in British Treasury Bills. Now, Sir, I wish to ask the Government what would have been the disadvantage if they had held Government of India securities, terminable securities yielding high rates of interest as they hold rupee securities? The only answer is that they would be difficult to negotiate at the time when we require funds. I agree, Sir. But if we had gold bullion it would not only find a ready market but at any time that you want to liquidate you could do so in a day. Not hundreds of thousands, but crores and crores could be liquidated in one day. Therefore we should replace all our holdings of Treasury Bills which give a small yield by means of Government of India Sterling Loans. The advantage would be that there would be a filip to the exports of India. Sir, in 1913-14 our balance of trade excluding treasuries was Rs. 90 crores. For ten years ending 1929, our balance of trade was Rs. 97 crores per annum and that has been reduced to the paltry sum of Rs. 22 crores in the last year. That is materially due to the export of gold. If the Government do not think that this will have the desired effect they can at least give it a trial. I do not say make it a rule, but stop it and see what the effect is. It would reduce sterling commitments by an appreciable sum. My Honourable friend trades on the fact that the proportion of sterling loans has fallen by 10 or 15 per cent. in 20 years. But, Sir, as I said, that is not a fact. Time was when it was the rule for the Government of India to get all the accommodation which they wanted outside the country; that should be ended and that has to a great extent ended. In the recent five or six years Government have not taken sterling loans to finance their capital requirements. We are not content with that. We want sterling commitments to be reduced in every form, and therefore, Sir, it is not sufficient to say that we have done this and we have done that. We want that we should be in a position when the time comes to liquidate our

[Mr. Hossain Imam.]

sterling maturing loans—pay up those sterling loans which are going to mature in the near future without contracting sterling loans. I want India to have gold holding. If we purchase gold, every time sterling loans mature we could pay by means of gold. No doubt, we were very strict that the present holdings of gold should not be sold by the Reserve Bank, because the holdings of the Reserve Bank are the absolute minimum. I have seen the gold holding of many of the world's leading banks and I can say that no first class country has a lower proportion of gold holding to note and token coin circulation than the Government of India. All the world is now out to purchase gold; France purchases gold; the United States of America is purchasing; England is purchasing gold. The benefactor of the world, the spendthrift is India. It comes to this that everybody is a fool except the Government of India, because everybody is purchasing gold and universal wisdom has fallen on the Finance Department of the Government of India. Even Englishmen, the Bank of England, are acting foolishly. Is this an argument? I know our position is unique. We are under difficulties; we have no say in the matter, and those who have the power are under orders of the Secretary of State. I do not blame my friends sitting on the opposite benches. They are as powerless in the face of the Secretary of State as ourselves, but their mouths are shut; our mouths are not shut. They have not even this pleasure of having their fling as we have; they cannot say a word. They have got to adopt it as their own line. I realise the difficulty but, Sir, we have to keep the flag flying. We may not succeed now, but the time will come when we will succeed, and when we are able to force the hands of the Government, then and then only we will succeed.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAMSARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution. My Honourable friend Mr. Hossain Imam has so exhaustively dealt with the subject that he has left very little for me to say. Sir, this matter requires serious consideration of the Government. People are under the impression that gold is being exported without any restriction because Government want to meet its liability in gold with America and so they allow its export to go on. Every civilized country in the world, Sir, is adding gold to their reserves. Even, Sir, the Bank of England, although the Government promised to return the gold of France, they did not do so for some time. Sir, the international practice requires that the balance in trade should be met in gold. Whenever there are more exports than imports, the country which has an adverse trade balance has to meet it in gold. Sir, one of the reasons why this is being done, I consider, is due to the maintenance of the present artificial exchange ratio by Governments. Sir, in case the Government continues its present policy and all the gold from India is drained out, the time will soon come when Government will be forced, as there will be no other alternative left to change the present ratio which has done very much harm to India. I might also mention that as England and other countries having gone off gold it means that there is so much dearth of gold that the Government has no other measure than to meet the demands of their currency liability not in gold but in paper. Sir, Government would be well

advised to move in this matter and to put some limitations to the drain of gold in the way that the Honourable the mover of the Resolution suggests. Sir, it may be said that in times of economic distress, when the price of gold is high, it is in the interests of those who are holding gold to sell. That, Sir, it looks all right if we look at it in a superficial way. Perhaps this House remembers that some time back the late Finance Member, the Honourable Sir George Schuster, when dealing with a debate in this House, said that it was in the interest of the needy masses then to sell gold at a good profit. But time has gone on and we see that the advice which Sir George Schuster gave then experience shows that his advice was wrong. The price of gold since Sir George Schuster gave that advice has risen abnormally and those who did not keep gold feel sorry that if they had not been so advised they could have got much more for the gold which they disposed of then. Sir, as far as the gold reserves of the masses are concerned, the time will come when the people of India will have got nothing left but Government paper currency. This is one of the subjects which requires the most serious consideration of the Government and it is the duty of Government to look to the interests of India rather than of any other country. We want to help the British Government with gold as far as we can but not at the risk of our own country. Therefore, Sir, I submit that there must be some limit to the export of gold in the manner suggested by my Honourable colleague, by putting a prohibitive duty on the export of gold. As regards the exchange ratio, the Honourable the Finance Member has from time to time said that they are not going to reopen that subject. Sir, in case the export of gold from India stops, the Government will have no other alternative but to fall back on the old exchange ratio, which is right in the interests of India. As the actual ratio now works out at below 1s. the Government of India have no sound reason to explain why they are keeping up such a wrong artificial ratio, thereby making all zemindars lose 12½ per cent. of the price of their agricultural produce. However, I shall not enlarge on that subject but I do say that this restriction on the export of gold is in the interests of India and the sooner the Government imposes it the better.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I rise to support the Resolution moved by my Honourable friend, Mr. Hossain Imam. He has already given many figures and proved his case to the full. I do not want to go into the figures but certainly, Sir, I shall place some of the facts before the Honourable Members of this House and the Government for their consideration. We all know, Sir, that the agitation for putting some check on the export of gold is gaining ground daily and the public has been pressing this demand for the last two years. But the Government has turned a deaf ear to this demand. And what is the result? The result is that, as the Honourable the Finance Secretary pointed out yesterday, by 7th September, 1935, as much as Rs. 254 crores of gold had been exported from India. We all know, Sir, that gold is the reserve strength of a country. It is the lifeblood of a country. Just as if you take blood out of a body you will extinguish the life of it, in the same way if you take away all the gold of a country it will remain lifeless without any credit from outside. My Honourable friend, Mr. Hossain Imam, has just explained that many foreign countries are trying to stop the flight of gold from their countries, rather they are trying to keep as much

[Rai Bahadur Lala Mathura Prasad Mehrotra.]

gold in reserve as possible. But our Government, which considers itself wiser than many other Governments, does not consider it necessary to either put an export duty on gold or to check it somehow or other. We all know, Sir, that India being an agricultural country is always in need of money, especially because we have been getting very bad harvests for the last five years and the poor agriculturists, finding that gold is being sold at this time at the little higher rate, try to dispose of it. And what is the result? The result is that whatever reserves they have got in the shape of ornaments is going out of India. If they get a little higher value than the price they paid for it and when they get cash they cannot keep it any longer with them. The money they get is spent either in paying off their rent to the landlords and the landlords paying revenue to the Government or it is spent in some ceremonies. They would have sold it and tried to meet the situation by any other means, had there not been this temptation of a higher price for gold before them. Considering all these points, it is very necessary that some check should be placed on the export of gold. Our business magnates as well as chambers of commerce have always stressed this point. We, in this House, and the Lower House, at the time of the presentation of the budgets as well as by moving separate resolutions, have stressed it. But, to our great surprise, Government, just as they are sticking to the 1s. 6d. ratio in spite of the fact that the country is losing so much, are also sticking to this point and are putting no stop to the flight of gold.

12 Noon.

With these words, Sir, I support the Resolution.

THE HONOURABLE MR. P. C. TALLENTS (Finance Secretary): Sir, I should like, first of all, to put in a word on behalf of the Controller of the Currency who has been attacked by the Honourable Member opposite on the ground that he has not yet finished his Annual Report. The Honourable Member suggested that the Controller of the Currency's work has greatly decreased and that he was failing in his duty in that he had not produced his Annual Report already. I should like to remind the Honourable Member that at the beginning of this year the Controller of the Currency was deprived of both of his deputies and the greater part of his office staff. Retrenchments in his office staff were more extensive than the reduction in his work. The Controller of the Currency has been having exceptionally hard work this year and that is the reason why his report is not yet ready, though I think it will soon be.

Well, Sir, when my Honourable friend opposite the other day moved his Resolution about sterling borrowings, I suggested that it was a trail which had already been blazed. Today, he is inviting this House to walk down a track which has been beaten by the feet of thousands of people, most of whom have very volubly expressed their opinion on the subject. And rightly so, because it is a matter of the very greatest importance and interest to India. I would however, suggest that whatever charms the subject may have, novelty is not one of them.

The Honourable Member opposite gave a wealth of figures, as is his practice, to the House. May I also contribute my quota in order that we may have some sense of proportion in this matter? Since India went off the gold standard in September, 1931, down to the end of July last, India had exported on the

balance 294 lakhs of ounces of gold. During the previous seven years from 1924-25 to 1930-31, she had imported on the balance 332 lakhs of ounces of gold. She has not yet, therefore, exported as much gold as she imported during those seven years. There is still a balance of 38 lakhs of ounces.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Does that mean that Government want to wait till all that gold has drained out? You say that there is a balance of 38 lakhs of ounces out of the total amount of gold imported into India? Do the Government mean that unless that whole quantity of gold is exported from India, they will not take any action?

THE HONOURABLE THE PRESIDENT: That is not the point. The Honourable Member is controverting the statement made by the Honourable Mr. Hossain Imam.

THE HONOURABLE MR. P. C. TALLENTS: My point is just this, Sir, that the difference between the amount of gold imported during those seven years and the amount of gold exported since India went off the gold standard is 38 lakhs of ounces. For the gold which India imported during those seven years, she paid Rs. 194½ crores. For the smaller quantity of gold which she has exported since September, 1931, she has received Rs. 233 crores. Comparing these two periods, therefore, India has made a profit over her gold transactions of over Rs. 38 crores and still has 38 lakhs of ounces in hand.

THE HONOURABLE MR. HOSSAIN IMAM: What will be its value?

THE HONOURABLE MR. P. C. TALLENTS: I gave the figures. During these seven years she paid Rs. 194½ crores and during the last four years she has received Rs. 233 crores: so there is a net balance of Rs. 38 crores. I say nothing about the years previous to 1924-25. It is a well-known and undisputed fact that for many years India has been importing gold in very large quantities. The amount of gold which has been exported, though I admit it is a large amount, is negligible compared with the amount of gold which is still in stock. So much, Sir, by way of preamble.

I now come to the Honourable Member's Resolution. This Resolution falls into two parts. In the first place, it recommends that Government should purchase gold in India at the current market rate. Well, if Government started to purchase gold on a large scale, the first thing which would happen is that the price of gold would rise. However, I am prepared to admit, for argument's sake, that, by cautious purchasing as opportunity offered from time to time, Government might be able to secure gold without creating any very great disturbance in the market.

The next question that arises is,—if Government are to purchase this gold, where is the Government going to get the money from with which to do so? I do not know whether the Honourable Member will suggest that the Government balances should be used for this purpose. If so, farewell to the hope of any more crores of rupees for village improvement.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Borrow money at 3 per cent. and buy gold. It is a paying proposition.

THE HONOURABLE MR. P. C. TALLENTS: Another alternative might be that Government should borrow. A third alternative is that Government should start the printing press and just print notes.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is what they are doing now, using the printing press.

THE HONOURABLE MR. P. C. TALLENTS: In any case, I would point out, as one of the Honourable Members opposite has already done, that gold is essentially unproductive; that in the words of an article by an Indian gentleman which I read the other day on this very subject, it is "barren metal lying in idle hoards". There are many better uses to which Government surpluses, if any, and the proceeds of Government loans can be put than the purchase of gold.

Probably however the Honourable Member opposite would recommend the printing of notes for the purpose of buying this gold. He would purchase the gold; I presume he would then place it in the Issue Department of the Reserve Bank, and issue notes against it. But the issue of notes presupposes the presence of gold in the Issue Department. Whether it would be possible to issue notes before the gold was lodged in the Issue Department is a question which I am not prepared to answer offhand. Nor is it not a problem which I intend to think out with any care because it is a process to which I am sure Government would never agree.

There is another difficulty. Under section 33 of the Reserve Bank Act, the value of gold in the Issue Department is at the old parity. Since then the price of gold has risen. The result is this, that, if you wanted to purchase gold for the Issue Department, you would have to spend more rupees purchasing that gold than would be the value of the notes which could be issued, against it. There would be a considerable margin of difference and that margin of difference would represent a dead loss to Government. This alone is a strong argument against the purchasing of gold.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Why are other countries buying gold?

THE HONOURABLE MR. P. C. TALLENTS: Other countries are not all buying gold.

The next question which arises is. Assuming that you have purchased your gold, what are you going to do with it? Now, I do not know whether the Honourable Member opposite would agree to this gold being exported in order to settle the balance of trade. I gathered from his speech that he would not. If he did agree however, what advantage is there over the present arrangement when this gold is being exported on private account? You would merely be introducing Government as a third party into the exchange market where the presence of Government is not necessary. It is not only unnecessary; it is positively undesirable that Government should enter into the market and take the risk. I gathered just now from an expressive gesture of the head of the Honourable Member opposite that what he contemplates doing with his gold is to place it in the Issue Department and issue notes against it. I have already said that gold is essentially unproductive and that Government does not want more of it than is necessary. The present stock of gold and bullion is valued at Rs. 44½ crores. Government consider this to be amply sufficient and nothing that any Honourable Member has so far said in this debate has thrown any doubt on that conclusion. If, Sir, it is the proposition of the Honourable Member opposite that notes should be issued against the

gold let us consider what would have happened if all the gold that has been exported since September, 1931 had been diverted instead into the Issue Department and notes had been issued against it. There is absolutely no reason to suppose that commerce and industry in this country would have been any the better for it. On the contrary they would be very much the worse. The note circulation would be more than doubled; it would be the most disastrous inflation and, as more gold was purchased by the Honourable Mr. Hossain Imam and added to the reserve and more notes were issued the position would become even worse.

THE HONOURABLE MR. HOSSAIN IMAM: Expansion against a gold reserve is not inflation.

THE HONOURABLE MR. P. C. TALLENTS: I understand the Honourable Mr. Hossain Imam's desire is that this gold should be placed in the Reserve Bank and notes issued against it. India would be well started down the slippery slope if that policy were adopted. Possibly by exporting the gold which he had accumulated the Honourable Member might be able to save the rupee, but I doubt it. In any case he would have inflicted a fatal blow at India's credit, on the results of which it is unnecessary for me to dilate. I hope I have said enough to show that it is impracticable to give effect to the first part of the Honourable Member's Resolution. I now turn to the second part.

As regards the exports of gold there are three schools of thought. The first school of thought would stop it altogether: they would prohibit the export of gold or they would impose a prohibitive export duty. The second school of thought would allow the gold to be exported without any duty. The third school of thought, to which the Honourable Mr. Hossain Imam himself belongs, would allow the gold to be exported but would like to see Government take their toll in the process.

As regards the first school of thought,—that is the school of thought which would prohibit the export of gold altogether,—according to this school it is distress gold that is being exported and to allow its export to continue is to suck the very lifeblood of the distressed cultivator. Now, Sir, there are certain questions which can appropriately be put to those who hold this point of view. What is the good of a reserve if it is never to be used? The whole object of a reserve is that there should be something available against the rainy day. If the rainy day comes obviously the reserve should be used, particularly if it can be realised with substantial profit. In the second place, let me put a dilemma to the House. The gold which is flowing out of India is either distress gold or it is not. If it is distress gold, why not allow the distressed owner to make the best profit out of it that he can and reap the benefit of his former thrift? If it is not distress gold and it is being sold by a dealer who is making a bit over the transaction—and the recent revival in the export of gold in response to the increase in the sterling price of gold rather points to that conclusion—why stop him doing so? In the third place, if the export of gold is prohibited, you still are not going to help the distressed cultivator. The distressed cultivator will still want to part with his reserves to the local dealer: if the export of gold is prohibited the price of gold will go down and the distressed cultivator will not get so much from his dealer as he would otherwise have done.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Does Government advance money to the cultivator against the security of gold ?

THE HONOURABLE MR. P. C. TALLENTS : I venture to say that the prohibition of export would not help the condition of the distressed cultivator.

The second school of thought, as I said, is that of those who would allow the gold to be exported without let or hindrance, and that is the policy of Government. It is a commonplace, Sir, that the world at present is suffering from a general inhibition of trade and Government considered that the greatest service that India could render is not to throw further difficulties in the path of international trade. From India's point of view the benefits of this policy are as follows. Firstly, that the ultimate sellers of gold get the full benefit of their former thrift. They are parting with an asset which is not productive and in exchange are securing, or at least are being given the opportunity of securing, productive assets. In the same essay which I mentioned just now by an Indian gentleman in the *Economic Journal*, he described this as "mobile purchasing power"—a suitable expression. And I may add that a large proportion of the imports which are now coming into India which are being purchased with this gold are of a capital nature, machinery and so forth.

Well, Sir, the third school of thought, to which the Honourable Mr. Hossain Imam belongs—

THE HONOURABLE MR. HOSSAIN IMAM : And the European Association of Calcutta, Sir.

THE HONOURABLE MR. P. C. TALLENTS : They consider that although gold should be allowed to flow out, Government should use the occasion for revenue purposes and make something out of the process. Why have Government not adopted this policy ? Firstly because they wish to give the ultimate seller of the gold the full benefit of his thrift. There is nothing peculiar about gold exported from India which gives it a special value in the world market. The price of Indian gold outside India is the same as that of any other gold and is regulated by the world price. Therefore any export duty that the Indian Government was to impose on gold exported from this country must result in a corresponding deduction from the price that the ultimate seller would receive. It is in the interests of the ultimate seller and also to maintain unimpeded the flow of trade that the Government of India have hitherto refrained from imposing the moderate duty which my Honourable friend opposite recommends. They regard these objects as of greater importance than the revenue which they might derive from the duty. I would add that the flow of gold from India is not in such great volume now as it was, particularly in 1932-33. The imposition of such a duty therefore now would be less remunerative than it would have been a year or two ago. Government see no justification whatever at present for a change in their policy.

If my memory serves me correctly, it has been my painful duty to oppose every single Resolution relating to the Finance Department which the Honourable Member opposite has moved during the last two sessions. I have not done this for the sake of being obstructive or with the intention in any way of throwing cold water on the manifest interest and pleasure which

the Honourable Member takes in unravelling the mysteries of the Government accounts. Many Members of this House are in the practice of sharpening their wits by the daily cross-word puzzle. The Honourable Mr. Hossain Imam has chosen a more exacting and elusive hobby ; his hobby is finance. I still hope that he and I may one day discover some subject on which we can agree. Unfortunately this is not one of them. I, therefore, Sir, must oppose the Resolution which he has moved this morning. (Applause.)

THE HONOURABLE MR. HOSSAIN IMAM : Before I proceed, Sir, with the reply to the speech of the Honourable the Finance Secretary, I should like to congratulate him on the mild way in which he opposed the Resolution. I have also great pleasure in anticipation of having him as a Member of our Provincial Executive Council. (Applause.) Although we have differed, and as I said so often, he knows that I have to advocate the cause of my electorate and I know that he is voicing the dictates of others, and therefore we both may be excused for our differences, because these are not personal differences.

I join issue with the Honourable the Finance Secretary on each and every item that he has today stated. I shall start from the end. The last proposition that he enunciated was that if we put an export duty on gold it will cause distress to the sellers by reducing internal prices. I should like him to remember a word which he stated just before, that if Government starts operating in the market, the prices will increase. This was his dictum and again his dictum was that the prices would fall. Which dictum of his am I to take ? I leave it to him to answer. I say that I brought forward both propositions knowing full well the counter-effects of each. Export duty may have the effect of reducing prices and the Government's policy will have the counter-effect. Bulls and Bears may fight but there will be an equilibrium. The net position would be that holding a paramount position in the gold market India would be bound to affect the world prices of gold. We have the instance of silver. When we increased our silver duty we had a reduction in world prices because India was a buyer and therefore the import duty that we put on silver had the effect of bringing down world prices. India is not a factor in the bullion market which can be disregarded. It can almost with impunity impose any tax ; it holds such a strong position.

Then he said, Sir, an unheard of thing, and I asked him to quote to me the authority of any notable writer on finance to substantiate his dictum. He said that increase of the note issue against gold is inflation. This is a new theory enunciated by the Honourable the Finance Member in the other House during the introduction of the budget, which has no echo in the world. I said it then and I say it again that I want him to quote the authority of any well-known world writer on finance. However, wise the Finance Member may be, I cannot take it as a dictum in the face of world opinion being against it.

The third item which the Honourable the Finance Secretary enunciated was that if we purchase gold we would like it to be transferred to the Issue Department, but the Issue Department will not advance money before the gold is in the custody of the Reserve Bank ; therefore there will be an interval, in which there will be no money and perhaps Government will have to borrow money. We have some idea of Government finances. We know what

[Mr. Hossain Imam.]

Government balances are, and in order to show how inadequate or adequate our balances are, I should like to quote the cash balances of the Government of India for the four months of this year. Its balance in April was Rs. 19 crores in the Reserve Bank and Rs. 2 crores in the treasuries; in May it was Rs. 1.7 crores in the treasuries and Rs. 20.31 crores in the Reserve Bank; in June it was Rs. 1.87 crores in the treasuries and Rs. 20.94 crores in the Reserve Bank; and in July it was Rs. 1.79 crores in the treasuries and Rs. 13.45 crores in the Reserve Bank, besides the enormous balances held in England. In the month of May our sterling balances were Rs. 12.96 crores and in June Rs. 7.11 crores. Sir, with such enormous holdings for the Government to say that they will have to borrow in the market, when only four or five days would elapse between the purchase of gold and the lodging of it in the Reserve Bank, is absurd.

THE HONOURABLE THE PRESIDENT: But he made the statement in connection with the proposition that to buy gold against issue of notes would be an unremunerative proposition.

THE HONOURABLE MR. HOSSAIN IMAM: So far as remuneration is concerned, Sir, we would replace all securities which do not yield on the average even 2 per cent. by higher yielding assets of Government of India sterling loans which would give $3\frac{1}{2}$ per cent. and divert and sell part of British Treasury Bills and thereby meet our sterling demands in England. The amount of money which the Government wants to send to England in the shape of sterling would be advanced by the Reserve Bank and in exchange for sterling we would give gold. There is no operation in it which involves either loss or any sort of interval. Sir, our point was and has always been—and as I said it was first advocated in 1932 by the European Association of Calcutta—that there should be a small duty on the export of gold. They wanted to suggest it as an alternative source of revenue in order to get a reduction in the surcharge on income-tax and I know, Sir, that if that had been done it would have been possible for the Government to give some relief to these wealthy gentlemen of the European community of Calcutta. Therefore, Sir, there was this unanimity in all commercial and financial schools of thought in regard to this export duty. But even though Indians and Europeans, non-officials alike, were unanimous, the Government of India remained unconvinced. Sir, as I was saying, our intention was that you should replace the low yielding sterling securities now held in the Issue Department by gold; the difference between the book value and the purchase price would be made good by *ad hoc*s. And in this connection, Sir, I should like to remind him that the holdings of the Reserve Bank in rupee securities are at a very favourable figure at the present moment. I have not got the exact figure, Sir, but as far as I remember, when we transferred the Issue Department the Government of India had given them rupee securities of about Rs. 49 crores and at the present moment their holdings of rupee securities are below Rs. 26 crores. Now, according to the Reserve Bank Act, the Reserve Bank can have in its portfolio rupee securities up to the value of Rs. 50 crores or 25 per cent. whichever is higher. Therefore, Sir, on a modest estimate the Government of India can purchase gold

worth Rs. 75 crores without straining and the additional amount of indebtedness created by means of adding *ad hoc*s would be no loss because the Government of India is after all the reversionary of the Reserve Bank. Every profit made by the Reserve Bank in excess of the Rs. 17½ lakhs which is going to the shareholders will ultimately come back into the Government's exchequer. And you will remember, Sir, that I have questioned the wisdom of the Government of India in placing the estimate of the income of the Reserve Bank at the figure of Rs. 50 lakhs. That, Sir, gave us a hint that our reserves in the Issue Department would be invested mostly in British Treasury Bills. Sir, as I said, my model for action and inaction is the Bank of England and the Government have no model, their guiding spirit is the whim of the head of the Finance Department of the Secretariat. The Government had no reply to make to my statement that the Bank of England has bought Rs. 80 crores of gold. The real reason behind the present policy of the Government of India is that the whole existence of the sterling block depends on the flow of gold from India to strengthen the resources of the sterling. If India kept out of the market sterling will to a great extent lose its strength. We are not, Sir, animated by any animosity towards England in asking for that. As the Honourable Member has rightly pointed out, we are not prohibitionists—we do not want to prohibit the export of gold. What we want is that there should be a policy of live and let live. At the present moment, the *fiat* of the Finance Department is that it is imprudent to purchase gold, I would have thought, Sir, that during the time that Sir James Grigg was in England he would have stopped the Bank of England from purchasing gold, but as a matter of fact most of the gold was purchased during the time he was attached to the English Treasury. I cannot say, Sir, what the exact figure was at that time, or what is the position now, for want of notification by the Exchange Mobilisation Fund; but this much I can say, that a good deal of the gold purchased by them was during the time of Sir James' office at the Exchequer. Why did he not advise them against it? Or if they did this in defiance of his advice, his opinion cannot be infallible.

Sir, we were told by the Honourable the Finance Secretary that by allowing latitude to sell gold, they are helping India. Then he said, "What is the good of a reserve when it is not to be used"? I, Sir, agree entirely. But I fail to see, Sir, how the intervention of Government in the gold market by purchasing gold would have any adverse effect on the prices which will be received by the sellers. As I said, Sir, the two effects of reduction and increase will counter-balance each other and there will be no lag in the prices. I wish he had remembered this, Sir, when he was taking his sterling loan in July. I ask him again to remember his own words: "What is the use of a reserve if you do not use it"? But, Sir, we have realised that our differences are not so much with the Government of India as with the power behind the throne. He stated, Sir, that we have not yet exhausted our seven years balance. Against that, I should like him to look up the report of his own Controller of the Currency at page 65, where he will find that we have exhausted all our balance of gold in point of value which we have purchased during the last 14 years. In the 14 years ending 31st March, 1935 we have practically exported as much gold as we have purchased in that time in point of value. No doubt India has always been fond of gold and it has purchased gold, but then, Sir, we know that there has been a constant drain. In previous years, gold used to go out of India by the land

[Mr. Hossain Imam.]

frontiers and by other means for which records do not exist. Therefore, Sir, to say that India's holding of gold is of a certain figure is not exactly correct. I would therefore request the Government to reconsider the matter and to at least give in, when Indians and Europeans are all thinking alike, if they do not give in at other times.

THE HONOURABLE THE PRESIDENT: Motion moved:

"That this Council recommends to the Governor General in Council to purchase gold in India at the current market rate and to put a small export tax on gold exported out of India."

The Question is:

"That that Resolution be adopted."

The Motion was negatived.

CRIMINAL LAW AMENDMENT BILL.

THE HONOURABLE THE PRESIDENT: The Council will now proceed with the discussion of the Criminal Law Amendment Bill. I will put each clause separately, as suggested by the Honourable Raja Ghazanfar Ali Khan the other day, and I hope the discussion will be limited to each clause.

Clauses 2, 3, 4, 5, 6 and 7 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. SLOAN (Home Secretary): Sir, I move:

"That the Bill to amend the Criminal Law, in the form recommended by the Governor General, be passed."

The Motion was adopted.

RESOLUTION *RE* EMPLOYMENT OF WOMEN DURING THE NIGHT.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Member): Sir, I move:

"That this Council recommends to the Governor General in Council that he should ratify the Draft Convention concerning the employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference."

Sir, this is not a very great matter, and it will require just a few words to explain the position of India. In 1919, a Resolution was adopted at Washington which prohibited the employment of women in industrial establishments during the night. About a couple of years later, it was ratified by India. A few years later again, some of the countries concerned raised the question whether this Resolution related to women who were employed in supervisory capacities in industrial establishments. The question was discussed for some time in the Governing Body and finally sent to the Court of International Justice for a ruling. They ruled that the Convention be applied to these women. As this did not suit the conditions in some of the contracting countries, the case was raised again at the International Labour Conference and a revised Convention was

entered into in 1934 at Geneva, whereby a relaxation of the rigidity of the former Convention was made, allowing women employed in supervisory capacities to work in factories and other industrial establishments at night.

As regards India, the position is that in the Factories Act of 1910 and again in the Factories Act of 1934 the Local Governments have been given power to exempt women holding supervisory positions in factories. To that extent, our law is not in consonance with the Convention of 1919. Further, the formula we have for exemption in our present law is somewhat wider than the formula which is allowed by the Convention of 1934. So, on both these accounts it is necessary for us to amend our present Act.

The position was considered very carefully by the Government of India in consultation with Local Governments and it was decided that we should make a clean cut in India and should entirely prevent the employment of women in factories at night. As ordinary women workers may not work in factories at night, any woman worker in a supervisory position would find herself alone at night in the factory watching a gang of men workers. That is a position which we think should not arise in India. We accordingly propose to introduce legislation which will amend the present Factories Act and will entirely prevent the employment of women in factories at night in any capacity whatsoever. But, meanwhile, there is no reason why we should not ratify the Convention of 1934 which will give us a power to make an exemption which at present we do not intend to use.

Sir, I move.

The Motion was adopted.

FACTORIES (AMENDMENT) BILL.

THE HONOURABLE MR. D. G. MITCHELL (Industries and Labour Member): Sir, I move:

"That the Bill to amend the Factories Act, 1934, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

This, Sir, is the legislation to which I have just referred and I have nothing to add.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. D. G. MITCHELL: 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. G. H. SPENCE (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."

This, Sir, is a perfectly *bona fide* repealing and amending Bill, that is to say, it repeals nothing which is not dead and it makes no amendments which are not purely formal.

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. G. H. SPENCE: 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 Saturday, the 28th September, 1935.

COUNCIL OF STATE.

Saturday, 28th September, 1935.

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.

ALARM SIGNAL CHAINS IN THE RAILWAY CARRIAGES OF THE DIBRU-SADIYA RAILWAY.

127. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (a) Is it a fact that the railway carriages of the Dibru-Sadiya Railway in Assam are not equipped with alarm signal chains?

(b) Is it a fact that there have been cases of dacoities near Tinsukia station on this Railway?

(c) Do Government propose to direct the administration of this Railway to provide alarm signal chains in the carriages?

THE HONOURABLE SIR MAURICE BRAYSHAY: I am obtaining the information and will lay a reply on the table of the House.

DELAY IN DELIVERY OF LETTERS POSTED IN UPPER ASSAM.

128. THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA: (a) Is it a fact that letters posted in Upper Assam are delivered at Gauhati and Shillong on the third day?

(b) Is it a fact that passengers travelling from Upper Assam reach Gauhati and Shillong on the second day?

(c) Do Government propose to direct the Postal Department to take necessary steps to avoid this delay in delivery of posts?

THE HONOURABLE MR. D. G. MITCHELL: Information has been called for and a reply will be placed on the table of the House in due course.

STEPS TAKEN TO RE-EMPLOY RETRENCHED PERSONS IN GOVERNMENT OF INDIA OFFICES.

129. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: What steps have Government taken to provide for retrenched personnel?

THE HONOURABLE MR. T. SLOAN: I assume the Honourable Member is referring to the retrenched clerical staff of the offices of the Government of India. Retrenched persons who had any claim to re-employment in the offices of the Government of India for which recruitment is made on the result of the ministerial service examination have already been provided for.

POSTS RETRENCHED IN THE GOVERNMENT OF INDIA OFFICES SINCE 1930.

130. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to furnish a statement of the number of retrenchments both of permanent and temporary hands that were made in the offices of the Government of India and their attached offices from the beginning of the retrenchment in 1930 up till now showing the incumbents, their qualifications, nature of the post, grade, pay, actual service, etc.?

THE HONOURABLE MR. P. C. TALLENTS: Information regarding the posts that came under retrenchment is being collected and will be supplied in due course. Government are not prepared to supply information regarding the names, qualifications, service, etc., of the incumbents of the posts retrenched as they do not consider that the value of the information would be commensurate with the labour involved in compiling it.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member lay it on the table of the House?

THE HONOURABLE MR. P. C. TALLENTS: Yes, Sir.

TECHNICAL POSTS IN THE GOVERNMENT OF INDIA OFFICES.

131. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state the total number of (i) technical and (ii) special posts requiring special knowledge that at present exist in all the departments of the Government of India and their attached offices, showing the incumbents, their educational and special qualifications, grade, pay, net service and the mode of their recruitment?

THE HONOURABLE MR. T. SLOAN: The necessary information is being collected and will be laid on the table of the House in due course.

PROVISION OF LIGHTS ON ROADS LEADING TO SWEEPERS' QUARTERS, NEW DELHI.

132. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether a few quarters for sweepers were built last year in the jungle adjoining Talkatora Garden at New Delhi?

(b) Did the occupiers of these quarters including those of the Private Secretary to the Viceroy's Press address many requests to the authorities representing the inconveniences to which they were put by the absence of sufficient light? If so, what action was taken?

THE HONOURABLE MR. RAM CHANDRA: The information has been called for and will be furnished to the House on receipt.

CLASSIFICATION OF GOVERNMENT QUARTERS ALLOTTED TO EMPLOYEES OF THE PRIVATE SECRETARY TO THE VICEROY'S PRESS.

133. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state under what type the Private Secretary to the Viceroy's Press quarters may be classified?

(b) Will Government be pleased to state whether occupiers of these quarters approached the higher authorities with a view to the effecting of additions and alterations to the present quarters? If so, why was no action taken? Do Government intend to take any action?

THE HONOURABLE MR. D. G. MITCHELL: (a) I presume the Honourable Member's question refers to the quarters in New Delhi. Their classification is as follows:

"A" type on Reading Road, "C" and "D" types in Hastings Square, and "E" type near the Talkatora Park.

(b) I am not myself aware of any such representation. But such additions and alterations to these quarters, as were considered necessary from time to time, have been carried out. The latter parts of the question do not arise.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if Government is prepared to consider the matter if representation is made now?

THE HONOURABLE MR. D. G. MITCHELL: Certainly, Sir.

BUILDING OF MORE GOVERNMENT QUARTERS NEAR TALKATORA GARDEN, NEW DELHI.

134. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether they intend to build more new quarters on the hillside near Talkatora Garden in New Delhi? If so, of what type, when, and whether for men serving in the Viceregal Lodge or for other departments?

(b) Will Government be pleased to state whether they have received representations regarding the insufficiency of quarters for the peons, dufftries and tent khalasis of the Viceroy's staff both at Simla and at Delhi? If so, were these representations ever considered? If not, why not?

THE HONOURABLE MR. D. G. MITCHELL: (a) No. The question of building in this area has not been considered.

(b) No.

GOVERNMENT QUARTERS ALLOTTED TO DUFFTRIES, ETC., SERVING IN VICEREGAL LODGE, NEW DELHI.

135. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state whether it is a fact that the peons, dufftries and khalasis serving in Viceregal Lodge are allowed only a single room?

THE HONOURABLE MR. D. G. MITCHELL: No.

SENIORITY IN THE PRIVATE SECRETARY TO THE VICEROY'S PRESS.

136. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state whether seniority of rank is observed in the Private Secretary to the Viceroy's Press?

THE HONOURABLE MR. D. G. MITCHELL: Yes.

BASIS ON WHICH GOVERNMENT QUARTERS ARE ALLOTTED TO EMPLOYEES OF THE PRIVATE SECRETARY TO THE VICEROY'S PRESS.

137. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether the allotment of quarters for the employees of the Private Secretary to the Viceroy's Press is regulated by—

- (i) seniority in pay, or
- (ii) seniority in service, or
- (iii) seniority in press rank, or
- (iv) seniority in status?

(b) Will Government be pleased to place a statement on the table showing the mode of seniority, so far practically observed, in the allotment of quarters for the Private Secretary to the Viceroy's Press employees since 1930 till now?

THE HONOURABLE MR. D. G. MITCHELL: (a) The allotment of quarters is generally regulated by seniority which is determined by pay.

(b) I regret that I am unable to understand what the Honourable Member means by "mode of seniority".

GRANT OF MEDICAL CERTIFICATES TO GOVERNMENT SERVANTS.

138. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state whether they generally do not recognise medical certificates produced by Government servants unless they are granted either by a civil surgeon, or an assistant surgeon, or a sub-assistant surgeon? Are exceptions made where certificates from such officers are not easily obtainable?

If the reply to the first part is in the affirmative and the reply to the second part is in the negative will Government be pleased to state the reasons for enforcing such orders even at out of way places?

THE HONOURABLE MR. RAM CHANDRA: A non-gazetted Government servant in superior service applying for leave on medical certificate is required to produce a certificate signed by a registered medical practitioner. The authority competent to sanction the leave may, at its discretion, secure a second medical opinion. In the case of a non-gazetted Government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient. Government have no reason to think that these rules have proved harsh in their operation.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if Government is prepared to accept certificates from doctors that I have mentioned if the person concerned is living in some far-off places?

THE HONOURABLE MR. RAM CHANDRA: That is a point for the consideration of the authority competent to sanction the leave.

RECOGNITION OF MEDICAL CERTIFICATES.

139. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether, in very

many cases, they decline to recognise such medical certificates as are produced either from—

- (i) private practitioners (allopathic), whether registered or unregistered; and
- (ii) hakims, or vaidis, or homeopathic doctors, whether recognised or unrecognised?

(b) If the reply is in the affirmative, will Government be pleased to state whether they contemplate changing their practice in this respect? If not, why not?

THE HONOURABLE MR. RAM CHANDRA: (a) and (b). I would invite the Honourable Member's attention to the reply I have just given to his question No. 138. Government are unable to accept certificates from practitioners, over whom there is no official system of control or registration.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask if Government will accept certificates from people who pass out of Government Unani and Ayurvedic schools?

THE HONOURABLE MR. RAM CHANDRA: There is no official recognition of such practitioners.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: There is in the United Provinces at least.

THE HONOURABLE MR. RAM CHANDRA: That is a matter for the Local Government. We are concerned with centrally administered areas.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will the Government of India also be prepared to do so?

THE HONOURABLE MR. RAM CHANDRA: The question had better be raised first in the Local Legislature.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: I am asking from my Honourable friend that if the Local Government is prepared to accept certificates—

THE HONOURABLE THE PRESIDENT: Order, order. It is a hypothetical question; I disallow it.

TERMINUS FOR TRAINS RUNNING ON THE BENARES-ALLAHABAD BRANCH, BENGAL AND NORTH-WESTERN RAILWAY.

140. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether the running of trains on the Benares-Allahabad branch line of the Bengal and North-Western Railway terminates at the Allahabad City Station?

(b) If the reply is in the affirmative will Government be pleased to state whether they have considered running trains up to the Allahabad Main Station (East Indian Railway)?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) Yes.

(b) Yes, in 1905 and 1935. The capital expenditure required would be very heavy and the return on it inadequate.

THROUGH CONNECTION WITH THE EAST INDIAN RAILWAY FOR THE BENARES-ALLAHABAD BRANCH, BENGAL AND NORTH-WESTERN RAILWAY.

141. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state whether they have considered giving the Benares-Allahabad branch line a through connection with the East Indian Railway?

THE HONOURABLE SIR MAURICE BRAYSHAY: Yes.
PERCENTAGE OF ANGLO-INDIANS, HINDUS AND MUHAMMADANS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

142. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Will Government be pleased to state the percentage of Hindus, Muhammadans and Anglo-Indians respectively existing at present in the Bengal and North-Western Railway both in the office proper, and on the line, together with the strength of high officials of each particular community?

THE HONOURABLE SIR MAURICE BRAYSHAY: Government regret that they are unable to supplement, with further detailed figures, the information in regard to communal representation in railway services which is contained in the Annual Report by the Railway Board on Indian Railways, copies of which are in the Library of the House.

CABINET SECRETARY.

143. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether they have placed Mr. E. C. Mievile, Private Secretary to His Excellency the Viceroy, on deputation in London to study the working of the Cabinet Secretariat?

(b) If the reply is in the affirmative will Government be pleased to state the cost of his deputation and the reasons for his deputation?

THE HONOURABLE MR. T. SLOAN: With your permission, Sir, I shall answer questions Nos. 143, 144 and 145 together.

Government have felt that the procedure under which the business of the Government of India is at present transacted can be improved and made more suited to existing and future conditions by the appointment of an officer whose duty will be to co-ordinate the work that comes before the Government as a whole and to make and maintain a record of the discussions and decisions in Council. For the present it is possible to combine the work of such an officer with that of the Private Secretary to His Excellency the Governor General and, with the permission of His Excellency, it has been decided that the work should be entrusted to Mr. E. C. Mievile, the present Private Secretary. It was for this reason that Mr. Mievile was deputed to study the working of the Cabinet Secretariat in England. It is not possible to say at present when a whole-time appointment of Secretary to the Council will be created, but there is no intention of reserving such an appointment for members of the Indian Civil Service. The main qualifications will be an intimate knowledge of the system of Council and Cabinet Government and a personality which will make for the smooth working of the new procedure. The extra cost of Mr. Mievile's deputation was Rs. 2,618.

THE HONOURABLE MR. P. N. SAPRU: Is it proposed to continue this combination of Cabinet Secretary and the Private Secretary even after Federation comes into being?

THE HONOURABLE MR. T. SLOAN: The Honourable Member is looking rather far ahead. The present intention is that when Federation comes into being the Federal Government will be enabled to review the whole position.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: May I know if Government will be prepared to consider the cases of the Secretary of the Council of State and the Assembly for this post?

THE HONOURABLE THE PRESIDENT: Order, order. It is no concern of the Government of India.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask from what date this system of Cabinet Secretary to the Governor General will be inaugurated?

THE HONOURABLE MR. T. SLOAN: I am afraid I cannot answer that at present.

THE HONOURABLE MR. HOSSAIN IMAM: It has not been started yet?

THE HONOURABLE MR. T. SLOAN: No.

CABINET SECRETARY.

144. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether they intend to create a new post of Cabinet Secretary? If so, when, and why?

(b) Will Government be pleased to give their reasons for not placing a suitable Indian on deputation in London to study the work of the Cabinet Secretariat?

(See reply to question No. 143.)

CABINET SECRETARY.

145. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: (a) Will Government be pleased to state whether they considered the eligibility of a suitable Indian for the new post under consideration before placing Mr. Mievile on deputation in London? If not, why not?

(b) Will Government be pleased to state whether they are contemplating the filling of this post by an Indian Civil Service officer or by a non-Indian Civil Service officer?

(c) If the recruitment of an Indian Civil Service candidate is under contemplation will Government be pleased to state the reasons for their not recruiting a non-Indian Civil Service candidate?

(d) Will Government be pleased to state the general and particular qualifications which a candidate for selection for the post of Cabinet Secretary should possess?

(See reply to question No. 143.)

CABINET SECRETARY AND RECRUITMENT OF HIS OFFICE STAFF.

146. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state :

- (a) The approximate date of opening the Cabinet Office ?
- (b) The number of superintendents, assistants, clerks, stenographers and typists to be taken for that office ?
- (c) Their respective emoluments and grades ?
- (d) The mode of recruitment ?
- (e) The functions of this office ? and
- (f) Whether this office will have any close connection with the present Office of the Private Secretary to the Viceroy ?

THE HONOURABLE MR. T. SLOAN : With your permission, Sir, I shall answer questions Nos. 146 to 150 together.

As I have just stated in reply to the Honourable Member's three previous questions Government intend for the present to combine the duties of Secretary to the Council with those of Private Secretary to His Excellency the Governor General. It is, therefore, premature to consider when a separate office will be created, what the staff of such an office will be, and how the staff will be recruited. Applications for appointment in the Office of Secretary to the Council have been received, but none has been considered and no undertaking has been given to any applicant. Other points in the Honourable Member's questions do not therefore arise.

CABINET SECRETARY AND RECRUITMENT OF HIS OFFICE STAFF.

147. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to state whether applications are being daily received by the Office of the Private Secretary to the Viceroy for the Cabinet Office whose creation is yet under contemplation ?

- (b) If the reply is in the affirmative will Government be pleased to state :
 - (i) The number of applications so far received through any Government office and from outside ? and
 - (ii) The names of the applicants with their educational qualifications, office experience and technical experience, if any ?

(See reply to question No. 146.)

CABINET SECRETARY AND RECRUITMENT OF HIS OFFICE STAFF.

148. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to state whether the Office of the Private Secretary to the Viceroy has already promised the heads of the departments of the Government of India to provide retrenched personnel therefrom as far as possible with posts in the Cabinet Office ?

- (b) If the reply is in the affirmative will Government be pleased to state what procedure the Office of the Private Secretary to the Viceroy intends to adopt ?

(See reply to question No. 146.)

CABINET SECRETARY AND RECRUITMENT OF HIS OFFICE STAFF.

149. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Is it a fact that the Office of the Private Secretary to the Viceroy has already been requested to make a choice of such candidates as served or are serving in the Viceroy's Bihar and Quetta Earthquake Relief Funds, respectively ?

- (b) If the reply is in the affirmative will Government be pleased to state whether they intend to recruit experienced hands from the offices of the Government of India ?

(See reply to question No. 146.)

CABINET SECRETARY AND RECRUITMENT OF HIS OFFICE STAFF.

150. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : Will Government be pleased to state whether recruitment of all candidates for the Cabinet Office will be made through the Public Service Commission or also from the departments of the Government of India and from Local Governments ?

(See reply to question No. 146.)

APPOINTMENT OF INDIANS AS STENOGRAPHERS TO HIS EXCELLENCY THE VICEROY, HIS EXCELLENCY THE COMMANDER-IN-CHIEF AND GOVERNORS OF PROVINCES.

151. THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : (a) Will Government be pleased to state whether Indians are eligible for the post of stenographer to the Viceroy, or to a Provincial Governor, or to the Commander-in-Chief in India ?

- (b) If the reply is in the affirmative will Government be pleased to state the reasons of non-appointment of Indian stenographers to such persons for a long time ?

THE HONOURABLE MR. T. SLOAN : (a) There is no bar to the appointment of Indians as stenographers to Their Excellencies the Viceroy and the Commander-in-Chief. The appointment of stenographers to the Provincial Governors is not the concern of the Governor General in Council.

- (b) The appointment of stenographers to His Excellency the Viceroy is entirely in His Excellency's personal discretion. An Indian is at present employed as a stenographer to His Excellency the Commander-in-Chief.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : May I know if any Indian has been appointed as stenographer to His Excellency the Viceroy ?

THE HONOURABLE MR. T. SLOAN : Not so far as I am aware.

TERMINAL, PILGRIM AND MUNICIPAL TAXES REALISED BY THE EAST INDIAN RAILWAY.

152. THE HONOURABLE MR. HOSSAIN IMAM. Will Government kindly state the following facts about terminal, pilgrim and municipal taxes realised by the East Indian Railway :

- (a) The laws under which the railway collects ?

(b) The amount collected for each of the following places in 1933-34, Howrah, Gaya, Benares (including Kashi), Allahabad (Prayag), Fyzabad (Ajodhya), Bindhachal, Hardwar and Rishikesh?

(c) The amount debited from each place by the railway as collection charge in 1933-34?

(d) The authorities at each of the places in question who get this money?

(e) The Acts and Rules under which each of the disbursing authorities are constituted?

(f) The specific general rules as to the objects on which disbursement can be made from these funds? and

(g) The auditing authority from the Government of India for these funds?

THE HONOURABLE SIR MAURICE BRAYSHAY: (a) The taxes are collected under notifications or instructions issued by the Local Governments concerned.

(b), (c), (d) and (e). I place on the table of the House a statement furnishing the information required.

(f) The proceeds of a pilgrim tax are expended on arrangements for the health and comfort of the pilgrims and the improvement of sanitary and other conditions attending the pilgrimage. The income from terminal tax on goods forms part of the general revenues of the local body concerned.

(g) The funds are not under the control of the Government of India.

THE HONOURABLE MR. HOSSAIN IMAM: May I request the Honourable Member to lay, at least the numbers and dates of the notifications referred to in (a), on the table of the House next time we meet?

THE HONOURABLE SIR MAURICE BRAYSHAY: Certainly.

Statement referred to in parts (b), (c), (d) and (e) of question No. 152.

Name of the municipality.	Amount collected in 1933-34.	Amount debited as collection charges.	To whom paid.	The Acts under which the authorities mentioned in column 4 are appointed.
Howrah ..	Rs. A. P. 1,02,243 0 6	Rs. A. P. 2,556 12 9	Secretary, Calcutta Improvement Trust, Calcutta.	The Calcutta Improvement Act, 1911.
Gaya ..	43,860 6 9	2,193 10 0	President, Lodging House Fund, Gaya.	The Bihar and Orissa Places of Pilgrimage Act, 1920.
Allahabad, Prayag and Prayag Chat.	76,660 15 9	3,954 15 9	Secretary, Municipal Board, Allahabad.	The United Provinces Municipalities Act, 1916.
Benares Cantt. and Kashi ..	58,215 1 6	1,800 0 0	Executive Officer, Municipal Board, Benares.	The United Provinces Municipalities Act, 1916.
Bindhachal ..	2,659 5 9	132 15 6	Chairman, Municipal Board, Mirzapur.	The United Provinces Municipalities Act, 1916.
Fyzabad, Fyzabad City and Ajodhya.	34,136 0 3	1,800 0 0	Chairman, Municipal Board, Fyzabad.	The United Provinces Municipalities Act, 1916.
Hardwar and Jawalapur ..	1,34,202 3 3	4,026 9 9	Chairman, Hardwar Union, Hardwar.	The United Provinces Municipalities Act, 1916.
Rishikesh ..	4,889 3 6	244 7 3	President, Notified Area, Rishikesh.	The United Provinces Municipalities Act, 1916.

CLOSURE OF A SALT DEPOT IN THE ENNORE CIRCLE, MADRAS PRESIDENCY.

153. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY: Will Government be pleased to state:

(i) Is it a fact that the Central Board of Revenue has passed orders for the closure of a monopoly factory in the Ennore Circle of the Madras Presidency?

(ii) If the answer is in the affirmative, have they considered the question of granting compensation to the present licensee?

(iii) If compensation is granted will the Dittam prescribed for production before the year 1925 be taken into account? and

(iv) Do they propose to arrange for facilities to be rendered for the storage of manufactured salt, etc., in respect of licensees who wish to work under the excise system?

THE HONOURABLE MR. P. C. TALLENTS: (i) and (ii). Yes.

(iii) The existing licensees will be granted full compensation in accordance with the provisions of section 18 of the Madras Salt Act, that is on the basis of average quantity of salt stored annually during the five preceding years.

(iv) It has been decided to maintain the existing salt depot for the convenience of those licensees who take modified excise licenses. They will be allowed the free use of the depot for storage of their salt for a period of two years by which time they are expected to provide their own platforms at the factories for this purpose.

DECLINE IN IMPORTS OF FOREIGN SALT INTO CALCUTTA.

154. THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY: (a) Has there been a steady decline in recent years in the import of foreign salt at Calcutta?

(b) If so, have Government considered the advisability of appointing experts to introduce modern methods in the manufacture of salt, with a view to augment the production in Madras and other parts of India and to cater for the needs of Calcutta?

THE HONOURABLE MR. P. C. TALLENTS: (a) Yes.

(b) The Government of India have no such proposal under their consideration.

CONFIRMATION OF TEMPORARY CLERKS IN GOVERNMENT OF INDIA OFFICES, ETC.

155. THE HONOURABLE MR. V. V. KALIKAR: (a) Is it a fact that (i) in many departments of the Government of India and their attached offices, and (ii) in many departments, under Local Governments, temporary candidates, with four or more years approved combined service, in either a temporary or semi-permanent post, are made permanent by making such temporary or semi-permanent post a permanent one?

(b) If the reply is in the affirmative will Government be pleased to state the reasons for serving notices upon temporary or officiating candidates?

(c) Will Government be pleased to lay on the table a statement showing the number of such temporary and semi-permanent posts that were made permanent, the respective departments concerned, the incumbents effected, their amount of service and the dates of and reasons for the action taken?

THE HONOURABLE MR. T. SLOAN: (a) Government have no such information.

(b) Notices have been served on the unqualified temporary clerks working in the Government of India offices which recruit through the Public Service Commission as it has been decided to fill all temporary vacancies of three months duration or more by candidates who have passed the Commission's examination.

(c) Government are not aware that any such case has occurred.

THE HONOURABLE MR. HOSSAIN IMAM: Will Government take communal representation into consideration in making these temporary appointments?

THE HONOURABLE MR. T. SLOAN: The question does not arise out of this question, Sir.

REASONS WHY GOVERNMENT OF INDIA OFFICES GIVE PREFERENCE TO PASSED CANDIDATES OVER PERSONS RETRENCHED DURING 1930-31.

156. THE HONOURABLE MR. V. V. KALIKAR: (a) Will Government be pleased to state whether a circular was issued by the Home Department suggesting that preference over Public Service Commission passed candidates should be given to candidates for re-employment who were candidates recruited direct from another department but retrenched during the retrenchment period of 1930-31?

(b) If the reply is in the affirmative, will Government be pleased to state their reasons for giving preference to Public Service Commission passed candidates?

THE HONOURABLE MR. T. SLOAN: (a) The orders were that as far as possible permanent members of the clerical staff who were being retrenched and were considered suitable for re-employment should be absorbed in other departments of the Government of India and attached offices, either by replacing men then employed temporarily in permanent vacancies, or by re-engagement as vacancies became available.

(b) All persons who were entitled to re-employment under these orders have already been provided for.

CONTINUOUS TEMPORARY SERVICE IN GOVERNMENT OF INDIA OFFICES TO COUNT FOR PENSION.

157. THE HONOURABLE MR. V. V. KALIKAR: (a) Is it a fact that the Finance Department sent a circular to all departments of the Government of India to the effect that all continuous temporary service rendered by young men should be counted as service for pension? If so, how many men have been given the benefit of the circular and why have all concerned not been given the benefit thereof?

(b) Is it a fact that when the revision of the Civil Service Regulation took place and the Fundamental Rules were being framed, the Auditor General expressed the opinion that all temporary service rendered to Government should be treated as service countable for pension?

THE HONOURABLE MR. P. C. TALLENTS: (a) No such orders have been issued by the Finance Department.

(b) No.

EXEMPTIONS GRANTED TO UNQUALIFIED MEN IN GOVERNMENT OF INDIA OFFICES.

158. THE HONOURABLE MR. V. V. KALIKAR: (a) Will Government be pleased to state the circumstances under which exemptions are granted to unqualified men working in the Government of India offices and attached offices for purposes of permanent appointments?

(b) Will Government be pleased to state the number of such exemptions (showing the persons affected, their qualifications, experience, date and mode of recruitment, nature of the post, pay, grade and amount of service rendered) —

(i) granted by the Public Service Commission from 1928—1934 to unqualified men whether temporary or permanent for ordinary posts, technical posts and general posts requiring special technical knowledge, respectively, with the reasons for granting such exemptions; and

(ii) refused by the Public Service Commission during that period with reasons for the refusal?

THE HONOURABLE MR. T. SLOAN: With your permission, Sir, I shall answer questions Nos. 158 and 160 together.

(a) of question No. 158.—Exemptions from the ministerial service examination may be granted in exceptional cases to persons who have acquitted themselves satisfactorily in examinations of a higher or equivalent standard or have acquired great experience of Government service outside the ministerial line. In addition persons with special or technical qualifications can be appointed without passing the ministerial service examination to a post which has been removed from the ordinary cadre on the ground that it requires such qualifications.

(b) of questions Nos. 158 and 160.—The collection of the detailed information required by the Honourable Member would involve an amount of time and labour quite incommensurate with the result.

AUTHORITY DECIDING CASES OF EXEMPTION FOR EMPLOYMENT IN GOVERNMENT OF INDIA OFFICES.

159. THE HONOURABLE MR. V. V. KALIKAR: (a) Will Government be pleased to state whether exemptions are granted or refused exclusively at the discretion of the Commission, or upon the facts and figures furnished by the head of the department?

(b) Will Government be pleased to state whether the Commission is the final authority for deciding questions of exemptions, or whether

reference is also made to the Home Department either by the Commission or by the department concerned?

THE HONOURABLE MR. T. SLOAN: (a) and (b). Applications for exemption are now dealt with in the Home Department, who consult the Public Service Commission in doubtful cases.

REFUSAL OF EXEMPTIONS TO UNQUALIFIED MEN IN GOVERNMENT OF INDIA OFFICES.

160. THE HONOURABLE MR. V. V. KALIKAR: Will Government be pleased to state whether the cases of hands who were refused exemptions were subsequently referred to the Home Department? If not, why not, and who were the persons to whom exemptions were refused?

(See reply to question No. 158.)

TRANSFER OF THE WORK OF POSTING TO MINISTERIAL SERVICE FROM THE PUBLIC SERVICE COMMISSION TO THE HOME DEPARTMENT.

161. THE HONOURABLE MR. V. V. KALIKAR: Will Government be pleased to state whether the Home Department has recently taken over the business of posting, appointing and granting exemptions, etc., from the Public Service Commission?

THE HONOURABLE MR. T. SLOAN: This work has been taken over by the Home Department.

SHORT NOTICE QUESTION AND ANSWER.

TRANSACTION OF OFFICIAL BUSINESS ON A NON-OFFICIAL BUSINESS DAY.

162. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Is it a fact that under the Government of India Act, 1919, the days for the transaction of non-official business are fixed by the Governor General and not by the Governor General in Council? If so, will Government be pleased to state under what section of the Government of India Act the Governor General in Council can bring official business on a day fixed for non-official business which is the prerogative of the Governor General?

(b) Will Government be pleased to state the sections of the Government of India Act which empower the Governor General in Council or the Indian Legislature to infringe the prerogatives of the Governor General vested in him by the Government of India Act?

(c) Will Government be pleased to state whether the Governor General in Council or any other authority has any power to bring official business on a day allotted for non-official business by the Governor General without the previous consent of the Governor General?

(d) If there is no such power given to the Governor General in Council, will Government be pleased to state under what authority they brought the Criminal Law Amendment Bill on the 26th September for disposal by the Council of State and whether the Governor General's previous consent was obtained for taking this unusual step? If not, why not?

THE HONOURABLE MR. D. G. MITCHELL: (a) and (b). Days for non-official business are allotted by the Governor General under rule 6 of the Indian

Legislative Rules. If the Honourable Member will refer to that rule he will find that, while the transaction of business other than Government business is prohibited on an official day except with the consent of the Governor General in Council, the provision made for non-official days is merely that non-official business shall have precedence. No consent by the Governor General or by any other authority is required to the transaction of Government business on a non-official day after the termination of the non-official business set down for that day.

(c) Does not arise.

(d) Government did not "bring the Criminal Law Amendment Bill on the 26th September for disposal" in the words of the Honourable Member. The Bill was proceeded with on that day in accordance with a request made on behalf of the Party to which the Honourable Member belongs, with the tacit but obvious concurrence of all Honourable Members present and with the consent of the Honourable the President under Standing Order 7 to the transaction of an item of business not included in the list of business for the day. No question of obtaining the Governor General's consent arose.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: The Party did not consult me when they came to an agreement on this, Sir.

THE HONOURABLE THE PRESIDENT: This Council has nothing whatever to do with your Party consulting you.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will this sort of procedure be made a precedent of this House?

THE HONOURABLE THE PRESIDENT: No question of precedent has arisen at present. I do not see what you mean by that? I do not understand you at all.

(The Honourable Rai Bahadur Lala Ram Saran Das then stood up.)

THE HONOURABLE THE PRESIDENT: It is not very usual to allow a statement to be made on such an occasion as this, but as this question is of vital importance and as the Honourable the Leader of the House has given his reply, I think that in fairness to you I should allow you to make a statement, in view especially of the remarks which have fallen from the Honourable Mr. Banerjee.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Thank you, Sir.

In order to meet the convenience of the Hindu Members who objected to working on Friday which was a Hindu holiday, our Deputy Leader, after consultation with Members of the Party present and the Leader of the House, suggested that the Criminal Law Amendment Bill might be taken up that day after the non-official agenda was over. You, Sir, very kindly acceded to this request. In fairness to you and the Honourable the Leader of the House I feel that we must shoulder the responsibility for what has occurred and we do so.

And now I would, with your permission, like to read out the statement which I would have done had I been present at the time of the third reading. My absence was due to the fact that I and some other Members—

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Is this relevant to this short notice question, Sir?

THE HONOURABLE THE PRESIDENT: I entirely agree with the Honourable Raja Ghazanfar Ali Khan. If you wish to offer a personal explanation regarding your absence, you can do so, but I cannot allow you at this stage to make observations on a Bill which has already been passed by this Council.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, it is a personal explanation, and as the Honourable Mr. Banerjee has made a certain statement, I thought that what we wanted to say that day ought to be said today. That will clear our position.

THE HONOURABLE THE PRESIDENT: You can say anything with reference to the Honourable Mr. Banerjee's statement, but not on the Bill itself.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: My absence was due to the fact that I and some other Members—that is a personal explanation—were trying to get into touch with the absentee members of our Party, and in particular with the Honourable Mr. Banerjee, on the telephone so that they might be present for the division which we had intended to call. As we had no option but to vote against the measure, we decided not to prolong the discussion as it would have served no useful purpose but only wasted the time of the Council, we well knew what the result would be. We have, Sir, offered this explanation because the Honourable Mr. Banerjee happens to be a member of our Party and he sent in his question without consulting the Party.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Is he still a Member of your Party?

STATEMENTS LAID ON THE TABLE.

QUANTITY OF SILVER PURCHASED SINCE 1915.

THE HONOURABLE MR. P. C. TALLENTS (Finance Secretary) Sir, I lay on the table a statement containing the information promised in reply to question No. 120, asked by the Honourable Mr. Shantidas Askaran on the 16th of April, 1935.

(a) and (b). The quantities purchased and the prices paid are given in the rupee coinage accounts of the Finance and Revenue Accounts of the Government of India from 1915-16 to 1921-22. There were no purchases after the latter year.

(c) The figures are given in the annual reports of the Controller of the Currency from 1927-28. There were no sales before that year.

(d) Rs. 42.

(e) The loss realised up to the end of 1933-34 is given in account No. 93A in the Finance and Revenue Accounts of the Government of India for that year. The figures given there only cover realisations since 1927-28. In the years prior to this there was of course a very

large net profit which cannot be exactly calculated. I may however state for the information of the Honourable Member that out of these profits (a) the Gold Standard Reserve of £40 million was built up, (b) over a million pounds were utilised for railway construction, and (c) considerable amounts were also credited to the revenues of the Government of India.

HARDWAR IMPROVEMENT ADVISORY COMMITTEE.

THE HONOURABLE SIR MAURICE BRAYSHAY (Chief Commissioner of Railways): Sir, I lay on the table the information promised in reply to question No. 104 asked by the Honourable Rai Bahadur Lala Jagdish Prasad on the 20th September, 1935.

(a) Yes.

(b) The East Indian Railway Administration report that a representation was received in August and that the Divisional Superintendent, Moradabad, was asked to meet the Chairman, Hardwar Union and a member of the Hardwar Improvement Advisory Committee personally, to discuss on the spot the proposals put forward. A report on the result of the discussion is awaited from the Divisional Superintendent, Moradabad.

INDIAN COFFEE CESS BILL.

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

"That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee, as passed by the Legislative Assembly, be taken into consideration."

The object of this Bill, Sir, is to help the coffee-growing industry to help itself by the imposition of a light cess the proceeds of which will constitute a fund which will be administered by a representative committee for the benefit of the coffee-growing industry. The principle of the Bill, Sir, is one which has already been accepted by the Government of India and by the Legislature in regard to tea, cotton and lac and it is entirely unnecessary for me to expound or defend that principle at this time. It is legitimate, however, to ask what the justification is for applying this principle to the case of coffee. The justification, Sir, is to be found in the fact that it is the coffee industry itself and the coffee-growing interests that have asked that the cess be imposed. The coffee-growing area of India lies in the south within the jurisdiction of the Governments of Madras, Coorg, Travancore, Cochin and Mysore. All five Administrations have accepted the scheme. Some of them indeed have pressed upon the Government of India its necessity. A canvass of the coffee-growing interests has shown that of the 163,000 acres under coffee in South India, interests representing 130,000 have given active support to the scheme and as little as 3,000 acres have shown opposition. A large acreage in Madras gave no reply. That represented mainly Indian producers who are not exporters and are naturally not interested in the cess scheme. The Government of Madras, however, assure us that inquiries by their Agricultural Department have shown that the coffee-growers as a whole in the Madras Presidency are in favour of this scheme. That, Sir, is the justification for the application of this principle to the coffee-growing industry.

As regards the Bill itself, there is little to be said. To use a modern trade phrase, it is the 1935 model of the other Cess Acts. I would refer to one or

two points only. It will be noticed that the Bill does not apply to Burma. That is in accordance with the desire of the Government of Burma who are to a very small extent only interested in the growth of coffee and its export. The second point to which I would refer is that the cess which it is proposed to impose is a very light burden on the industry. On the present declared value of exported coffee the cess of Re. 1 per cwt. represents something under two per cent. *ad valorem*. In the first instance it is not proposed to impose the maximum cess. The rate in the first instance will be eight annas per cwt., which represents something under one per cent. *ad valorem*.

Perhaps the most important clause of the Bill is clause 4, which determines the constitution of the Committee which will administer the fund, and it may be asked whether this is representative of all the interests concerned. Well, Sir, if I may give my estimate of what will be the constitution of the Committee under clause 4, I would do so in this way. Of the five persons to be nominated to represent the Agricultural Departments of the administrations concerned it is almost certain that every one will be an Indian. But we may assume that one of them may be a European. Of the 11 persons representing the coffee-growing industry, the three representatives of Mysore will again in all probability be Indians. I assume for the purposes of my calculation that the Government of Mysore may nominate one European. The two persons to be nominated by the Local Governments of Madras and Coorg will be Indians. It is our intention to ask those administrations to nominate Indians who will be representative of the non-associated interests. By non-associated interests I mean those growers who are neither members of the United Planters Association of South India nor of the Coffee Growers Association. We have every reason to believe that the nominees of the United Planters Association and of the Coffee Growers Association will be two Europeans and one Indian in each case. As regards the persons representing trade interests to be nominated by the Governor General in Council, our anticipation is that in the first instance there will be two Europeans and one Indian. The representative of the Council of Agricultural Research will be either a European or an Indian. The possibilities therefore are that of the 20 members of the Committee as many as 14 may be Indians and six Europeans. Our estimate is that at the worst there would be 12 Indians and eight Europeans. Now the area under coffee is divided between European and Indian interests roughly in the ratio of 40 to 60, so that the representation repeats practically exactly the actual distribution of the acreage between the two interests. We consider therefore that this Committee will be as representative as it is possible to make it.

The other clauses of the Bill repeat clauses which already exist in other Cess Acts and they call for no further comment from me.

To sum up, Sir, this Bill embodies a scheme which has been devised by the coffee industry for the benefit of the coffee industry and it will be administered by that industry itself. For these reasons, Sir, I commend the Bill to the House.

Sir, I move.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, I rise to say a few words about the Bill before the

[Mr. Hossain Imam.]

House. I am a great admirer of the system of cess, because it is a system of self-help for the industry for which we impose it, and as such it has our sympathies. If I rise, Sir, I simply want the Honourable Commerce Secretary to enlighten us about certain points. Firstly, he said that the incidence of the cess would be about two per cent. on the *ad valorem* price. I want to know what would be its effect on the Ottawa Pact? Will it not have some effect towards decreasing further our share in the coffee trade? Because we already have competition from other parts of the British Empire. If they are also imposing a cess our condition and their condition will be similar; otherwise it might act as a damper.

THE HONOURABLE THE PRESIDENT: But the request has come from the industry itself, as stated by the Honourable Mr. Stewart.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, we quite agree that the interests concerned themselves applied for it. I simply wanted to know whether there is information as to other countries imposing a cess or not? Then, Sir, in this cess there is one thing which distinguishes it from other cesses, for instance, the cotton cess, where the incidence of taxation is not only on foreign buyers but also on the internal consumers. Here, perhaps, I am correct in assuming there is no incidence of taxation on the internal consumers?

THE HONOURABLE MR. T. A. STEWART: This is an export duty

THE HONOURABLE MR. HOSSAIN IMAM: So I say. Therefore there is not that necessity for the presence of the peoples' representatives in this particular Committee as there is in other cess committees. I should have liked, instead of giving representation to trade interests through nomination by the Governor General, which after all is overdoing the representation, because you have provided that the trade or industry, the growers, should be represented in the Committee and there seems no necessity for three additional persons to represent trade interests—I should have liked to have had a representative of the Madras Council and a representative each from the Central Legislatures, elected or nominated as the case might be. Then some of our friends would have liked Labour to be represented on this Committee also, so that their interests may not suffer. The general framework of the Bill is admirable and I have no objection to offer.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, in rising to support this Motion I should like to give a few facts to the House. In order to improve the sales of South Indian coffee both in India and abroad, the Government of India have been moved to introduce as early as possible an Indian Coffee Cess Bill, modelled on the Indian Cotton Cess Act, 1923. The Bill seeks to serve a dual purpose. The first is to impose a cess on the export of coffee which will form the nucleus of a fund for the purpose of propaganda both in India and overseas, the improvement of marketing, and agricultural and technological research. The second purpose is to form a Committee to be called the "Indian Coffee Cess Committee" which will be representative of the coffee-growers, trade interests, and the Agricultural Departments of the Local Governments concerned. It may later be found necessary to raise more money for this purpose from coffee which is sold in India, either by means of a cess on acreage or by means of a cess on production. This would be a matter, however, for the Local Governments and

Indian States concerned. The first step to be taken is to form a statutory body to represent the coffee interests and to raise funds by means of a cess on exports. The proposals have gradually taken shape through discussions between the Coorg and the Mysore Planters' Associations, the Coffee Growers' Association of South India, and the Governments of Mysore, Madras and Coorg. The summary shows the area of coffee in the Madras Presidency, Coorg and the Indian States. It will be seen from the figures that 87,803 acres are in the Indian States and 74,961 are in British India. The largest acreage is in the Mysore State, while Coorg and the Madras Presidency have approximately the same acreage. Out of the total acreage consulted, only approximately 3,000 acres have voted against the scheme. Over 130,000 acres have voted in favour of the scheme and no replies have been received from about 25,000 acres. This latter figure would appear to be large, but most of the acreage represented by it is in the Madras Presidency and represents about 800 Indian owners, the vast majority of whom do not export their coffee out of India, and from whom it is difficult to obtain replies to communications. It may be pointed out that more than half the coffee grown in South India is Indian-owned; and practically all the coffee grown by Europeans is with rupee capital, there being only six sterling coffee companies.

Sir, on behalf of the planters of South India we welcome the Bill and I congratulate the Government on the early action they have taken and I heartily support the Motion before the House.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I agree with the principle that there should be a cess to help the industry, but there is just one observation that I should like to make. My Honourable friend Mr. Hossain Imam has already anticipated me. I should have liked some representation of the coffee workers on this Committee and I should have also liked the Central Legislature to be represented on the Coffee Cess Committee. Sir, I think it is a good principle that workers should be represented on these Committees.

With these remarks, Sir, I give my support to the Bill.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): I have much pleasure in supporting the Motion. In the last century coffee was grown entirely in the south and in the seventies coffee was a very thriving industry in the Madras Presidency; but owing to coffee disease which invaded the plantations in about 1876 or 1877, most of the coffee estates suffered and the European-owned estates became tea estates and most of the Indian-owned estates were either given up or did not yield coffee. For the last few years, Sir, the industry has been showing signs of improvement. It is well known that most of the plantations or gardens are in the Shervaroys, Palnis, Mysore State, Cochin State and some parts of Travancore State. It has been felt for some time that if this industry is properly organised it would certainly be a very thriving industry. No doubt there is keen competition with Brazil, but South Indians are, if I may say so, great coffee drinkers and this measure will certainly benefit them. This Bill would not prejudicially affect anybody; on the other hand a well organised industry would certainly benefit the country and I therefore have very great pleasure in supporting the measure.

* Not corrected by the Honourable Member.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras: Non-Muhammadan): Sir, I just want some information about the constitution of this Committee. Clause 4(i) (ii) says that there will be eleven persons representing the coffee-growing industry on the Committee; and (c) and (d) say that three persons will be nominated by the United Planters Association of Southern India and three persons representing trade interests will be nominated. I want to know if (c) and (d) will come as a separate category or as a part of the coffee-growing industry?

THE HONOURABLE KHAN BAHADUR NAWAB CHAUDRI MUHAMMAD DIN (East Punjab: Muhammadan): Sir, this Bill is an attempt to improve and develop the coffee industry. Coffee-growers have themselves asked for this measure. It is likely to improve the marketing conditions. The money on propaganda will be spent by the coffee-growers themselves. If the attempt succeeds, the trade balance of India will improve and those engaged in the industry will certainly benefit. I support the Bill.

THE HONOURABLE MR. T. A. STEWART: Sir, may I endeavour to make clear one or two points which are apparently not clear. The Honourable Mr. Hossain Imam has asked me to give an opinion as to the effect of this cess on the Ottawa preference now enjoyed by coffee. The Indian coffee-growers are of opinion that the present preference of a penny per pound is not sufficient, but they realise that unless they take the same measures as some of their competitors, for example Kenya, they have not a very good case for going to His Majesty's Government to ask for an increased preference. With the example of Kenya before them,—Kenya has made very rapid progress by means of propaganda in the United Kingdom market,—they themselves realise that until they take this step, endeavour to put their house in order and do what they can to promote their sales, they have no very strong case for asking for an increase of preference. Let me also explain what is meant by the three persons representing trade interests. It has been suggested that this provision overlaps the preceding one. These, however, are not coffee-growers. In the coffee industry there are other interests: (a) exporting interests, (b) coffee-curing interests, and (c) the internal distributor. The three persons representing trade interests will represent those branches of the coffee industry.

I am afraid I did not quite follow the Honourable Mr. Gounder's question regarding representation. If he will repeat it, I shall endeavour to reply.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Sir, you have given in clause 4(2) eleven persons representing the coffee-growing industry and then in (c) and (d) six persons nominated by the Planters' Association and the Growers' Association. I want to know whether the coffee-growing industry includes the Associations also?

THE HONOURABLE MR. T. A. STEWART: Yes. I think it is obvious from the wording of the clause that 11 persons are to represent the coffee-growing industry and these are made up by the various items (a), (b), (c) and (d).

THE HONOURABLE THE PRESIDENT: Motion made:

"That the Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2, 3, 4, 5, 6, 7 and 8 were added to the Bill.

Clauses 9, 10, 11, 12 and 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. T. A. STEWART: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL.

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

"That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad, as passed by the Legislative Assembly, be taken into consideration."

This Bill, Sir, requires a certain amount of explanation but I shall endeavour to furnish the necessary explanation as briefly as possible. Under the relevant paragraph in the definition of High Court in section 3 of the Indian Divorce Act the court vested with the jurisdiction of a High Court under that Act in respect of the Central Provinces is the High Court to whose original criminal jurisdiction a petitioner is for the time being subject or would be subject if he or she were a European British subject. Prior to the amendment of the Code of Criminal Procedure by Act XII of 1923, the Court of the Judicial Commissioner of the Central Provinces was not a High Court in reference to proceedings against European British subjects, and original and appellate criminal jurisdiction over European British subjects in the Central Provinces was distributed between the Bombay and Allahabad High Courts by a notification under section 3 of the Indian High Courts Act, 1865, corresponding with section 109 of the Government of India Act, the Bombay High Court being vested with this jurisdiction in the Nagpur and Nerbudda Divisions and the Allahabad High Court in the Chhattisgarh and Jubbulpore Divisions. Thus up to the relevant date in 1923 the Allahabad High Court, being the Court to whose original criminal jurisdiction a petitioner from the Chhattisgarh or Jubbulpore Division was for the time being subject or would have been subject if he or she were a European British subject, was unquestionably the High Court in respect of these divisions for the purposes of the Indian Divorce Act. By Act XII of 1923, clause (j) of sub-section (1) of section 4 of the Code of Criminal Procedure was so amended as to cause the Court of the Judicial Commissioner of the Central Provinces to become a High Court in respect of European British subjects. The amending Act came into force on the 1st September, 1923 and on the same date the notification vesting in the Bombay and Allahabad High Courts original and appellate criminal jurisdiction over European British subjects in the Central Provinces was cancelled. It follows that from the 1st September, 1923 the Allahabad High Court ceased to be, and the Court of the Judicial Commissioner of the Central Provinces became, the High Court to whose original

[Mr. G. H. Spence.]

criminal jurisdiction a petitioner from the Chhattisgarh or Jubbulpore Division was subject or would have been subject if he or she had been a European British subject, with the result that if regard is had only to the relevant provision of the Indian Divorce Act there is no doubt that the Allahabad High Court ceased from that day to be, and the Court of the Judicial Commissioner of the Central Provinces became from that day, the Court vested with the jurisdiction of a High Court under the Indian Divorce Act in respect of the relevant divisions of the Central Provinces. In the case of the divisions where European British subjects were formerly subject to the jurisdiction of the Bombay High Court, subsequent practice has proceeded on this basis, that is to say, the Court of the Judicial Commissioner of the Central Provinces has from the 1st September, 1923 exercised, and the Bombay High Court has from that date ceased to exercise, the relevant jurisdiction. In the case, however, of the divisions formerly subject to the jurisdiction of the Allahabad High Court, the contrary position has prevailed, that is to say, the Allahabad High Court has when moved to do so continued to exercise the jurisdiction of a High Court under the Divorce Act in respect of the two divisions in question. Its exercise of that jurisdiction appears never to have been challenged and there has therefore been no judicial examination of the question whether or not it in fact possesses that jurisdiction. In the course, however, of the correspondence preliminary to the introduction of this Bill the Government of India have been made aware that the learned judges of the Allahabad High Court take the view that notwithstanding the admittedly valid removal from the Allahabad High Court of criminal jurisdiction over European British subjects in the relevant divisions, and notwithstanding the ostensible consequences of the definition of High Court in the Indian Divorce Act the Allahabad High Court continues to be vested with jurisdiction under that Act in respect of the two divisions in question under the operation of sub-section (1) of section 106 of the Government of India Act, whereby the several High Courts have all such jurisdiction as was vested in them "at the commencement of this Act", that is to say, at a time when the Allahabad High Court was vested with the relevant divorce jurisdiction in the circumstances which I have already explained. The Allahabad High Court being of this opinion a doubt as to the correct position has arisen and it is necessary for the Legislature to resolve that doubt. Clause 2 of the Bill effects this object by declaring that the relevant jurisdiction has from the relevant date vested and shall continue hereafter to vest in the Court of the Judicial Commissioner of the Central Provinces. This declaration exhibits the jurisdiction exercised after the relevant date by the Allahabad High Court as invalidly exercised and it consequently becomes necessary to validate the jurisdiction exercised by that Court. This is done by clause 3.

Sir, I move.

* THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadian): Sir, it is not quite clear to me from the speech of the Honourable Mr. Spence as to why the Allahabad High Court continues to exercise this jurisdiction in respect of these divisions if the Allahabad High Court has ceased to exercise this jurisdiction according to these

* Not corrected by the Honourable Member.

Acts? Whether it was by mistake or oversight or for some other reason, I hope the Honourable Mr. Spence will clear this point.

* THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA (United Provinces Central: Non-Muhammadian): Sir, I have no quarrel with the objects and reasons of this Bill which seeks with our approval to remove certain doubts about the jurisdiction of the Allahabad High Court under the Indian Divorce Act within the Jubbulpore and Chhattisgarh Divisions of the Central Provinces and to validate all proceedings held there from 1st September, 1923 to the present time. That is the chief object of bringing this Bill before this House. But, Sir, what I would like to bring to the notice of the Government is that the administration of the Allahabad High Court is not very satisfactory.

THE HONOURABLE MR. G. H. SPENCE: Sir, is the Honourable Member in order?

THE HONOURABLE THE PRESIDENT: I was just waiting to see what he was going to say.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, if the Honourable Member will let me develop my point, he will see that I am giving my grounds for opposing this Bill. Therefore, Sir, as their administration is not satisfactory, I wish to bring to the notice of the Government that they must improve their administration.

THE HONOURABLE THE PRESIDENT: It is not necessary for you to make any reflections on the administration of the Allahabad High Court in connection with this measure.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, one very recent occurrence which happened there is this. They passed one judgment against—

THE HONOURABLE MR. G. H. SPENCE: On a point of order, Sir.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): I do not think we can discuss—

THE HONOURABLE THE PRESIDENT: Order, order. I cannot allow the Honourable Member to go into extraneous subjects and ventilate his grievances on other points which have nothing to do with this Bill. He is not entitled to take the opportunity on this Bill to ventilate those grievances.

THE HONOURABLE SIR DAVID DEVADOSS: May I be permitted to say, Sir, that we cannot call into question the conduct of any High Court. We have no power at all and I certainly, Sir, would strongly object to any remarks being passed against any judge or any High Court.

THE HONOURABLE THE PRESIDENT: I quite agree with you.

THE HONOURABLE MR. G. H. SPENCE: Sir, I am sorry that I did not make the position clear with reference to the point raised by the Honourable Member opposite. I hoped that I had. The position is this. When the Central Provinces Government originally wrote to the Government of India

* Not corrected by the Honourable Member.

[Mr. G. H. Spence.]

explaining the position they expressed the view that the jurisdiction exercised since the relevant date by the Allahabad High Court had been invalidly exercised. The Government of India agreed with the Central Provinces Government and at that stage they envisaged all that was necessary as being a Bill to validate a jurisdiction admittedly invalidly exercised. Subsequently they became aware that the learned Judges of the Allahabad High Court were of the opinion that they possessed the jurisdiction which they had exercised—and had validly exercised it—under the operation of sub-section (1) of section 106 of the Government of India Act which provides that the High Courts shall have all jurisdiction vested in them at the commencement of the Act. At the commencement of the Act, the Allahabad High Court was, in the circumstances which I have explained, vested with this divorce jurisdiction as the concomitant of their criminal jurisdiction over European British subjects. The Allahabad High Court agree that they have validly ceased to possess the criminal jurisdiction over European British subjects as the result of the cancellation of the notification from which their jurisdiction was derived but they take the view that sub-section (1) of section 106 of the Government of India Act operates to cause the divorce jurisdiction to cease to be dependent on the criminal jurisdiction over European British subjects and to cause the divorce jurisdiction to remain with them unless and until it is expressly removed. I trust that I have made myself clear, Sir. (Applause.)

THE HONOURABLE THE PRESIDENT: Motion made:

“That the Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad, as passed by the Legislative Assembly, be taken into consideration.”

The Question is:

“That that Motion be adopted.”

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. G. H. SPENCE: Sir, I move:

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

BALLOT FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to elect one Member to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department. There are two candidates for one vacancy. Voting papers will be handed round and I ask Honourable Members to vote by striking out the name of the Member for whom they do not wish to vote.

(The ballot was then taken.)

BALLOT FOR THE ELECTION OF ONE NON-OFFICIAL MEMBER TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE THE PRESIDENT: Honourable Members will now proceed to elect one Member to serve on the Central Advisory Board of Education in India. In this connection, I have to inform the Council that the Honourable Mr. Hossain Imam has since withdrawn his candidature. There remain two candidates, the Honourable Sir Ramunni Menon and the Honourable Mr. P. N. Saprú, for one vacancy. Voting papers will be handed round and I ask Honourable Members to vote by striking out the name of the Member for whom they do not wish to vote.

(The ballot was then taken.)

RESULT OF THE ELECTION TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT: I have now to announce that as the result of the ballot for one Member to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department, for the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra 12 votes were cast, and for the Honourable Srijut Heramba Prasad Barua 30 votes were cast. I have therefore to declare the Honourable Mr. Barua to be elected.

RESULT OF THE ELECTION TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

THE HONOURABLE THE PRESIDENT: I have now to announce the result of the ballot for one Member to serve on the Central Advisory Board of Education constituted by the Government of India. For the Honourable Diwan Bahadur Sir Ramunni Menon 32 votes were cast. For the Honourable Mr. P. N. Saprú 13 votes were cast. I have therefore to declare that the Honourable Sir Ramunni Menon has been duly elected.

FAREWELL ADDRESS TO HIS EXCELLENCY THE COMMANDER-IN-CHIEF.

THE HONOURABLE THE PRESIDENT: Your Excellency, as this is the last occasion when Your Excellency will be present in this Council and when we shall have the pleasure of meeting you, I propose now on behalf of the Honourable Members of this Council and myself to pay Your Excellency a tribute of our appreciation for the remarkable services you have rendered to India during the five years of your term of office. (Applause.)

Your Excellency came out to India five years ago with a brilliant record of service rendered to His Majesty's Government both on the battlefield and in the field of administration. During the time that Your Excellency has been in this country, from your various acts, deeds and speeches we have come to recognise Your Excellency not only as a great soldier but as an experienced statesman. (Applause.) As there is very little time at my disposal I shall not refer

[Mr. President.]

to Your Excellency's services outside the borders of India, but I will say that in India and on the Frontier the services Your Excellency has rendered during the last five years cannot possibly be excelled. (Applause.) His Excellency the Viceroy when he addressed both the Houses of the Legislature the other day very rightly said that your term of office as Commander-in-Chief has been one of the most eventful within living memory for the Army in India, and I assure you this Council and the public at large have endorsed this view. On your arrival in this country you were confronted with a situation on the Frontier which many of your predecessors similarly had to confront. But Your Excellency discerned in time what was the right step to take and what was the proper policy to adopt. Your Excellency laid down the policy to follow, a policy of rapid development of roads to the Frontier. On account of this wise policy—every one is aware of the civilizing influence of roads—you have met with great success and with the minimum of expenditure succeeded in reducing hostile tribes to submission and in bringing about peaceful conditions on the Frontier. You were also confronted with interference with the relief to Chitral in 1932 and 1934 and it was the discerning action which you immediately took which secured the safe passage of reliefs to Chitral; also when there was a rising in Khost near Afghanistan Your Excellency took the situation in hand in time and rendered useful services. It is needless to say that during Your Excellency's time the Frontier has to a great extent been tranquillised and the judicious and wise steps which Your Excellency time after time has taken, as I said, with as little expenditure as possible has resulted in the establishment of peace at the Frontier and I am hopeful that for many years to come we shall have no serious trouble there. In India Your Excellency was confronted with some troubles, but on the whole they were not of very considerable or seriously aggressive nature. The rebellion in Burma which took place some time ago is known to all Honourable Members and Your Excellency suppressed that rebellion with a promptitude and skill which deserves the admiration of all and the restoration of peace was recognised by the Burma Government as the result of your far-sighted policy. It was your misfortune to send troops to Bengal to suppress terrorism there and I need not say that, though many things still remain a secret, it was your prompt action and your wise policy and the methods adopted by Your Excellency that conduced to the peace of Bengal. You had again to send troops to Bombay, Karachi, Cawnpore, Lahore, and other places, to quell internal communal riots and disturbances, and I may say that the instructions which you had given to your officers to deal with the difficult and delicate situations in these places with great tact has resulted in less loss of life and in quelling the rebellion and in restoring peace in these various places.

On the political and financial side of the Army Administration, your services have been equally conspicuous. I cannot go into the various details and the various army reforms which you have introduced, but I shall refer to two or three important points and the large extension of the experiment of Indianization. It was due to your efforts that all the branches of the army were thrown open to Indians, including the artillery and engineering branches. (Applause.) It was due to your efforts, Sir, that double the number of infantry and cavalry units are being Indianized. You also, Sir, opened the Indian Military Academy for the training of young officers. (Applause.) It must be also acknowledged

that the inauguration of a purely Indian Air Force and the conversion of the Royal Indian Marine into the Royal Indian Navy are due to your sympathetic initiative. The speech which Your Excellency made the other day in response to the Resolution of the Honourable Mr. Kalikar is still ringing in our ears. It showed with what earnestness, sympathy and sincerity Your Excellency has striven towards Indianization of the army and specially of commissioned officers. It was an awakening to many of us to hear from Your Excellency's mouth that the right class of men, sons of zemindars and landholders and leaders, were not inspired to come forward as a class and take advantage of the opportunities that have been offered to them. It was with some measure of disappointment that the Council however heard that out of the 60 cadetships which had to be filled every year, you rarely get more men than the actual number of prescribed vacancies. It was with some sorrow that we also heard that the richer class of people in this country have regarded that the army is not a suitable avenue of employment for their sons, but I hope that the speech which you made that day and which has been broadcasted all over India will cause an awakening among the people of this country and that your efforts, the admirable efforts which Your Excellency has made, towards Indianization will in course of time be materialised and when you have retired you will have the satisfaction at later date to hear that the scheme which you started in this country under great difficulties has at last fructified and that Indians in large numbers are coming forward to take advantage and benefit of the new services. (Applause.)

But, Sir, the greatest service which you have rendered to India—and I may say the altogether monumental service for which Your Excellency will be ever remembered with gratitude in this country—is the reduction which you have made in the military expenditure of this country. (Applause.) In 1930 when Your Excellency took charge of your exalted office in this country, the military expenditure was Rs. 55 crores a year. The Inchcape Committee had previous to that passed its verdict and had recommended that the military expenditure should be gradually decreased and brought to the ultimate figure of Rs. 50 crores. In this Council and in the other House there have been many debates at budget time on this very important question and the Inchcape Committee's recommendation was totally repelled from official quarters and also by Your Excellency's predecessor that the prophecy made by the Inchcape Committee would never be realised. But Your Excellency tackled the situation with great insight, with great sympathy and with great skill and you have brought down military expenditure in the current year to Rs. 45 crores (Applause), Rs. 10 crores less than when Your Excellency joined your office and Rs. 5 crores less than that recommended by the Inchcape Committee. This, Your Excellency, is a monument to your efforts. Of course, Your Excellency is aware that these Rs. 10 crores include the £1½ millions which Your Excellency by your personal efforts has succeeded in securing from His Majesty's Government as annual payment towards the defence of India. And I may assure the Council that this enormous reduction has not been effected at the sacrifice of efficiency as His Excellency has been careful to preserve the necessary equilibrium. The appointment of the Capitation Tribunal and the result that has followed would not have been so glorious but for Your Excellency's deep sympathy, and for Your Excellency valiantly

[Mr. President.]

fighting the cause of India. We feel that this result would not have taken place but for the great influence Your Excellency exercised over the Home administration and the success with which India's cause was placed before the Capitation Tribunal.

Sir, this is all that, within the short time at my disposal, I can refer to of the work which you have done for India, but let me not forget to point out the great work you have done in this Council. Many of my colleagues often had differences with you on questions of principle but I am sure they all realised your wide experience and great knowledge of military science and finance, and though there were these differences of opinion sometimes between Honourable Members and Your Excellency due weight and consideration has always been given by you to the Opposition. You have impressed this Council with your great fluency of speech and sedate eloquence, which I may say, without disparagement to my other colleagues, has been rarely shown in this Council. You have proved yourself a great debater and a tactful opponent, and though as a matter of fact your military career in this country will come to an end in a few months, we know that there is still in store many opportunities for you to serve your motherland and His Majesty's Government. We can do nothing more now but wish Your Excellency a respectful and affectionate farewell. I am sure that whenever or wherever you may be or employed, you will still carry a soft corner in your heart for this country and we sincerely wish you in the evening of your life the best of health and all manner of happiness. (Applause.)

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I would like you, Sir, to believe, and I would like all my Honourable colleagues in this Council to believe, how very deeply I appreciate the kind words you, Sir, have seen fit to use in alluding to my impending departure. For five years now as Commander-in-Chief I have had to pretend that in addition to being a Commander-in-Chief I was also a politician! I am afraid it has deceived very few—especially of my colleagues opposite! I am afraid, Sir, that the military jackboot has always been more in evidence in my case than the portfolio of a minister, and I am afraid that I may on occasion have used, when I have been speaking in this House, rather abrupt terms, which come more naturally from the mouth of a soldier than the more polished periods we so often hear from the professional politicians in the House. But if that is the case, Sir,—and I fear it is the case,—I do owe you, Sir, and my Honourable colleagues a deep debt of gratitude for all the kindness and courtesy which you have extended to me while I have been a Member of this House, and especially for the fair hearing that you have always given me when I felt that it was necessary to give my views on matters of defence. And I like to think, Sir, that you and this House have extended that courtesy and kindness to me because you have known that, whenever I have found it necessary to speak on military subjects, everything I have said on those occasions has been dictated by the deep interest I take in the Army in India and the deep concern I have for that army which holds now and always will hold so great a place in my heart. (Applause.)

I shall go now, Sir, to my home in England after 46 years of military service, 17 of the happiest of which has been spent in India. I shall go there

with a deep sense of gratitude to India for what I have learned there and for the many friends I have made, some of whom at least, I hope, are in this House, and especially for what I have learned and the friends I have made in the last seven years, which have been the most interesting of all my career. And from my retirement I shall watch with absorbed interest and sympathy the further progress of India,—all the more because these last seven years have, I hope, given me an insight into the feelings and aspirations of India which I could not possibly have had unless I held an official position in her Government. Now, Sir, as India moves forward inevitably to her place as a great and honoured partner in the Commonwealth of Nations on the British Empire, more and more depends on men like yourselves, on men of understanding and consequence. May I, Sir, wish you all in that capacity God-speed and wise judgment in the high and important tasks which lie before you?

Sir, I thank you. (Applause.)

The Council then adjourned *sine die*.

60505

D
V2,32' N35
N35.2