THE BOOK WAS DRENCHED

TEXT PROBLEM WITHIN THE BOOK ONLY

UNIVERSAL
LIBRARY

OU_160911

UNIVERSAL
LIBRARY

COUNCIL OF STATE DEBATES

MONDAY and TUESDAY, 8th and 9th FEBRUARY, 1926

Vol. VII—No. 1

OFFICIAL REPORT

CONTENTS

MONDAY, 8th FEBRUARY, 1926.

Members Sworn.

Bills passed by the Legislative Assembly—Laid on the Table.

TUESDAY, 9th FEBRUARY, 1926.

Council of State.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

THE

COUNCIL OF STATE DEBATES

(Official Report)

VOLUME VII

FIRST SESSION

OF THE

SECOND COUNCIL OF STATE, 1926

DELHI
GOVERNMENT OF INDIA PRESS
1926

THE

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE FIRST SESSION OF THE SECOND COUNCIL OF STATE)

VOLUME VII

FIRST VOLUME OF SESSION 1926.

COUNCIL OF STATE.

Monday, 8th February, 1926.

The Council met in the Council Chamber at Metcalf House, at Eleven of the Clock, being the first day of the First Session of the Second Council pursuant to Section 63D(2) of the Government of India Act, and the Honourable the President (Sir Henry Moncrieff Smith, Kt., C.I.E.) took the Chair.

The Honourable the President, then standing, subscribed the Oath and signed the Roll.

MEMBERS SWORN:

His Excellency Field Marshal Sir William Riddell Birdwood, Bart., G.C.B., G.C.M.G., K.C.S.I., C.I.E., D.S.O. (Commander-in-Chief); the Honourable Khan Bahadur Sir Muhammad Habibullah, Sahib Bahadur, K.C.I.E., Kt. (Member for Education, Health and Lands); the Honourable Mr. Satish Ranjan Das, (Law Member); the Honourable Mr. Evelyn Robins Abbott, C.I.E. (Delhi: Nominated Official); the Honourable Major General Sir Robert Charles MacWatt, Kt., C.I.E., M.B., F.R.C.S., K.H.S., I.M.S., (Director General, Indian Medical Service); the Honourable Raja Sir Harnam Singh, K.C.I.E. (Punjab: Nominated Non-Official); the Honourable Mr. John William Anderson Bell (Bengal Chamber of Commerce); the Honourable Sir Arthur Froom, Kt. (Bombay Chamber of Commerce); the Honourable Sir Dinshaw Edulji Wacha, Kt. (Bombay: Nominated Non-Official); the Honourable Sir Charles George Todhunter, K.C.S.I. (Madras: Nominated Official); the Honourable Mr. David Thomas Chadwick, C.S.I., C.I.E. (Commerce Secretary); the Honourable Mr. Arthur Cecil McWatters, C.I.E. (Finance Secretary); the Honourable Mr. James Crerar, C.S.I., C.I.E. (Home Secretary); the Honourable Mr. Arthur Herbert Ley, C.S.I., C.I.E., C.B.E. (Secretary for Industries and Labour); the Honourable Mr. John Perronet Thompson, C.S.I. (Political Secretary); the Honourable Mr. James Alexander Richey, C.I.E. (Educational Commissioner with the Government of India); the Honourable Mr.

Ganesh Srikrishna Khaparde (Berar: Nominated Non-Official); the Honourable Sardar Charanjit Singh (Punjab: Nominated Non-Official); the Honourable Nawab Sahibzada Sayad Mohammad Mehr Shah (East and West Punjab: Muhammadan); the Honourable Mr. Keshav Chandra Roy, C.I.E. (Bengal: Nominated Non-Official); the Honourable Maulvi Abdul Karim (East Bengal: Muhammadan); the Honourable Mr. Thomas Emerson, C.S.I., C.I.E. (Bengal: Nominated Official); the Honourable Saiyed Mohamed Padshah Sahib Bahadur (Madras: Muhammadan); the Honourable Mr. Pundi Chetlur Desika Chari (Burma: General); the Honourable Maulvi Golam Mostafa Chaudhury (Assam: Muhammadan); the Honourable Seth Govind Das (Central Provinces: General); the Honourable Mr. John Austen Hubback (Bihar and Orissa: Nominated Official); the Honourable Mr. Shah Muhammad Zubair (Bihar and Orissa: Muhammadan); the Honourable Mr. Anugraha Narayan Sinha (Bihar and Orissa: Non-Muhammadan); the Honourable Mr. Mahendra Prasad (Bihar and Orissa: Non-Muhammadan); the Honourable Diwan Tek Chand, O.B.E. (Punjab: Nominated Official); the Honourable Colonel Nawab Sir Umar Hayat Khan, K.C.I.E., C.B.E., M.V.O. (Punjab: Nominated Non-Official); the Honourable Raja Nawab Ali Khan (United Provinces: Nominated Non-Official); the Honourable Pandit Shyam Bihari Misra (United Provinces: Nominated Official); the Honourable Saiyid Alay Nabi (United Provinces West: Muhammadan); the Honourable Rai Bahadur Nalininath Sett (West Bengal: Non-Muhammadan); the Honourable Mr. Mahmood Suhrawardy (West Bengal: Muhammadan); the Honourable Srijut Lokenath Mukherjee (West Bengal: Non-Muhammadan); the Honourable Mian Ali Baksh Muhammad Hussain (Sind: Muhammadan); the Honourable Mr. Ebrahim Haroon Jaffer (Bombay Presidency: Muhammadan); the Honourable Mr. John Ernest Buttery Hotson (Bombay: Nominated Official); the Honourable Rao Sahib Dr. U. Rama Rao (Madras: Non-Muhammadan); and the Honourable Mr. V. Ramadas Pantulu (Madras: Non-Muhammadan).

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill further to amend the Code of Criminal Procedure, 1898; a Bill further to amend the Indian Lunacy Act, 1912, a Bill to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts; a Bill further to amend the Madras Civil Courts Act, 1873; a Bill further to amend the Guardians and Wards Act, 1890; and a Bill to determine the liability of certain Governments to taxation in British India in respect of trading operations, which Bills were passed by the Legislative Assembly at its meetings held on the 21st January, 1926, and 1st and 3rd February, 1926.

THE HONOURABLE THE PRESIDENT: Before adjourning the Council, I would remind Honourable Members that there is a meeting at 12 in this Chamber to-day at which Sir Howard D'Egville will address us on the subject of the formation of a branch in the Indian Legislature of the Empire Parliamentary Association.

The Council then adjourned till Eleven of the Clock on Tuesday, the 9th February, 1926.

COUNCIL OF STATE.

Tuesday, 9th February, 1926.

INAUGURATION OF THE SECOND COUNCIL OF STATE.

His Excellency the Viceroy with the President of the Council of State having arrived in procession, His Excellency took his seat on the dāis.

HIS EXCELLENCY THE VICEROY: Gentlemen of the Council of State, I have summoned you to-day because I desire to welcome you at the beginning of the Session of your Chamber. The first Council of State concluded its labours in September last and dissolved. The body I see before me to-day has since come into being as a result of new elections and nominations and is about to begin in the present Session to exercise its important functions as a vital part of the constitutional machinery of the government of the country. In my address to the Members of the first Council of State at the close of their final Session, I dwelt upon the nature of those functions and expressed my appreciation of the conception of their duties which had been formed by the Members of the first Council of State and of the able manner in which those high responsibilities had been discharged in the interests of India. It is more particularly, in view of these considerations and in order to mark my regard for the important position of this Chamber in the constitutional structure and my esteem for the public services to the people and the administrations rendered by it in the past, that I desired to offer welcome and encouragement to those to whom it will now fall to carry on the traditions of this Chamber and to exercise the influence assigned to it by the constitution.

Among the Members I see the faces of a number of old acquaintances who were Members of the first Council of State. By their work in this Chamber they have already displayed the high qualities of their experience, sobriety of judgment, sense of duty and devotion to the best interests of India. I welcome them again to the Chamber. I also welcome those who are new Members. With some of the latter I have already formed personal acquaintance; and others are known to me by the record of their public work. I congratulate them on the wide field of interest and activity which their admission to this Chamber opens to them. I am confident that I can rely upon them in their actions to bear in mind the weighty responsibilities assigned to this Chamber in the constitution and ever to strive, after careful consideration and according to the dictates of their judgment, to arrive at those conclusions upon the difficult questions coming before them, which are best calculated to conduce to the greater happiness and progress of the people and to the maintenance of the highest standards of administration in India.

I do not propose to-day to enter upon a review of questions of general interest in India, as I have recently addressed the Legislative Assembly;

[H. E. the Viceroy.]

but I shall briefly allude to certain matters of special interest at the present time.

I greatly appreciated the action of the Members of the Legislative Assembly in regard to postponing the discussion of the Resolution upon the situation in South Africa. Debate at that moment might have prejudiced the delicate and critical negotiations in which I and my Government are engaged with the Government of the Union of South Africa. I can assure the Indian Legislature that in these negotiations we have taken and are taking every step which, to the best of our judgment, is calculated to help in arriving at a solution satisfactory to Indian opinion of this difficult problem. I have given anxious thought and my close personal attention to every step we have taken, and I gratefully acknowledge that the attitude of the Indian Legislature and the Standing Committee has been a strong support to me throughout these negotiations. I must ask the Legislature to have a little further patience notwithstanding the news from South Africa in this morning's press telegrams, and to continue to trust in our efforts. I wish it had been possible to explain the situation more fully to you, but I am sure that you will understand why I refrain from adding to the statements I made recently in addressing the Legislative Assembly.

I feel certain that this Chamber has been interested in the announcement of the decision to appoint a Royal Commission on Agriculture. This Chamber has always taken a lively interest in this subject. In July, 1923, the Honourable Sardar Jogendra Singh moved a Resolution for the appointment of a Committee by Government to consider questions, nearly all of which fall within the scope of the terms of reference of the Royal Commission now to be appointed. In February, 1924, the Honourable Mr. Sethna advocated the appointment of a Committee to make a survey of the economic conditions of the people of India with special reference to the condition of the agricultural population; and on the 5th of March in the same year Sardar Jogendra Singh moved a Resolution advocating a further survey of irrigation possibilities. All these Resolutions had the same object in view, that is, an increase of agricultural productivity and the improvement of the economic conditions of the rural population. The first of the three motions was lost, but the two latter were adopted. In addressing the Legislature in September last, I laid stress on the importance attached by me and my Government to these representations. I then stated that I hoped to secure the general object in view by the operations of a Central Board. It appeared at the time that a general inquiry by a Committee or Commission might be open to some objections and might possibly hinder the projects of the Local Governments. A closer examination of the problem has, however, convinced us that the machinery of a Board would be inadequate to secure the far-reaching results for which we all hope. It appeared imperative, having in view the great importance of this subject to India as a whole and the large numbers of persons in India wholly dependent upon agricultural operations, to constitute a special body which might be calculated to bring to the task a wider store of experience, a more detached angle of view and a greater authority than we could hope to obtain from a Central Board. A body of this character, in our opinion, appeared to be in a better position to devise effective measures for the expansion and co-ordination of agricultural efforts in India and

to give real assistance, based on the fruits of the latest practical and scientific experience elsewhere, to the Ministers and Departments of the Local Governments to enable them to obtain the best results from their activities. It was in this conviction and after consultation with the Secretary of State and Local Governments that we finally framed our recommendations to the Secretary of State for the appointment of a Royal Commission. Let me once more make plain that our object is to expand and strengthen the operations of the Ministries of Agriculture of the Local Governments and to assist them with information and suggestions, which might not otherwise be available to them, for still further supplementing their achievements. It is not desired in any way to curtail their powers of initiative or action—quite the reverse. At the same time, care has been taken not to overload the inquiry by entrusting to it the examination into certain other important subjects connected with agriculture. These problems have technicalities of their own and vary in character in each Province. They already engage attention of the Local Governments and are in many cases the subject of legislative proposals in the Local Legislatures.

You will doubtless have observed that there has been criticism hinting at some dark political motive in the appointment of the Commission. It is unnecessary, I feel sure, for me to repudiate the suggestion. The improvement of the premier industry of this country and the advancement of the interests of the most numerous class in India appears to me, as I have no doubt it also appears to you, to be a purpose wholly beneficent in its scope and outside the sphere of political controversy. It has long been the subject of consideration by me and my Government and by the Legislature. I rejoice that it has been my good fortune to announce the decision during my term of office and that it will fall to the lot of my distinguished successor, who is specially qualified in this respect, to deal with the recommendations that will be made.

My Government have recently had under their consideration the adoption of a new policy regarding opium which is in accordance with the trend of opinion in a number of other countries and also with views that have been freely expressed in some quarters on different occasions in India. We have very carefully examined the new obligations undertaken by us under Article 1 of the Protocol to the Convention of the Second Opium Conference at Geneva, "to take such measures as may be required to prevent completely within five years from the present date the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium". As a result we have come to the conclusion that in order at once to fulfil our international obligations in the largest measure and to obviate the complications that may arise from the delicate and invidious task of attempting to sit in judgment on the internal policy of other Governments, it is desirable that we should declare publicly our intention to reduce progressively the exports of opium from India so as to extinguish them altogether within a definite period, except as regards exports of opium for strictly medical purposes. The period to be fixed has not yet been finally determined, as before arriving at a decision it is necessary to consult the Government of the United Provinces regarding the effects that the resulting reduction in the area cultivated with opium will have on the cultivators in that Province. We further propose to discontinue altogether the system of auction sales of opium in India as soon as the agreement for direct sale now being negotiated with the Government of French Indo-China is concluded. My

[H. E. the Viceroy.]

Government hope at an early date to move a Resolution in both Chambers of the Legislature in order to give the Members of the Legislature an opportunity of expressing their views on these important proposals.

Since I last addressed the Legislative Assembly on the 20th of January, I have received an important communication from His Majesty's Government on a subject which I feel sure you will welcome. The question of taking the first steps towards the creation of an Indian Navy had been under the consideration of my Government for some time past. This was one of the tasks to which Lord Rawlinson devoted much of his energy and time before his lamented death. The inclination of my Government to take concrete measures was strengthened by the strong recommendation of the Mercantile Marine Committee to reorganise the Royal Indian Marine on the lines of a combatant naval service; and after a careful preliminary examination of the problems and a full consideration of the advice of several naval experts, my Government during last cold weather decided to invite a Committee, under the presidency of Lord Rawlinson with Vice-Admiral Richmond and Sir Bhupendra Nath Mitra as members, to formulate definite proposals. The report of this Committee will be published to-day. Their recommendations were accepted in general principle by my Government and forwarded to the Secretary of State for approval.

I am now in a position to make the following announcement as regards the decision of His Majesty's Government:—

"Subject to the necessary legislation being effected, it has been decided to reconstruct the Royal Indian Marine as a combatant force to enable India to enter upon the first stage of her naval development, and ultimately to undertake her own naval defence. Subject to the approval of His Majesty the King Emperor, the service will be known as the Royal Indian Navy and will fly the White Ensign. Its functions in peace time will be as defined in paragraph 3 of the Report of Lord Rawlinson's Committee. Its most important aspect in the early stages will be that of a training squadron. It will train the *personnel* for service in war. For this purpose it will become from the first a sea-going force. In addition in peace time its functions will include the services required by the Government of India in the Indian Ocean and Persian Gulf, the organisation of naval defence at ports, marine survey in the Indian Ocean and marine transport work for the Government of India. The fleet will consist, in its first stage of development, of the vessels enumerated in paragraph 4 of the report. The inauguration of the Royal Indian Navy will be entrusted to the *personnel* of the existing service, subject to any necessary readjustment of cadres, and Indian gentlemen will be eligible to hold commissioned rank in that service. The changes which this policy involves will be carried out as soon as an agreement has been reached, in consultation with the Admiralty, and with other authorities whose expert advice and assistance will be necessary, on detailed questions of administration, organisation and finance."

I need not emphasise to the Honourable Members of this Chamber the significance of this decision. It embodies an important principle. Thinking men in India have long desired the creation of an Indian Navy for India capable of defending her coasts, her harbours and her commerce. That laudable ambition will now have its scope.

Let me dwell for a moment upon two features in the announcement. To the imagination of those, who understand the traditions of the British Empire, the privilege granted to the Indian Navy of the future to fly the White Ensign should appeal with special significance. India by this privilege is directly admitted at the outset of her naval career to share in the record of the centuries of proud and gallant traditions for which that Ensign stands.

It is a high privilege; it carries with it the great responsibility of rendering service worthy of the honours conferred. Even to embark on the first stage of the performance of those duties, which the greatest Navy in the world has been performing, is no light task. Nevertheless I feel sure that it will be courageously undertaken as a vital part of India's natural ambitions and hope.

To Indians a new and honourable career of national service has been opened. The recommendation of Lord Rawlinson's Committee has been accepted that Indians desiring to qualify for Commissions in the Indian Navy should receive special facilities for suitable education in earlier years and later for technical training in the naval profession. I look to those who elect to set out on this career to use every effort to fit themselves for their task to foster an *esprit de corps* and to found here in India those traditions of high efficiency and courage which the pages of history commemorate as the proud possession of the Navy of Great Britain.

Much constructive work remains to be done before there is a Royal Indian Navy in being. Legislation will be necessary. Ships must be acquired and specially equipped for commission in Indian waters. Details of organisation and finance have to be examined. Careful and thorough preparation will be called for. These processes, which will take some time, are on hand and will be completed with the least possible delay. These are matters of detail, though of great importance to the success of the project, and I do not propose to discuss them to-day; many of them are referred to in the report now published which explains the frame-work of the project. I need only at the moment mention that from the preliminary estimates it appears that the creation of the Indian Navy in its initial stages is not expected to involve any large addition to public expenditure. Of more importance than questions of detail is the acceptance of the policy of the creation for India of a naval service of her own. I am confident that this great opportunity will be welcomed and turned to the best account for the lasting benefit of India.

In my address at the opening of the Session of the Legislative Assembly I referred to the creation of a Rates Advisory Committee and to the important functions with which the Committee would be entrusted in the administration of our railways. It may be of interest to many in this Chamber to know that I have offered the presidency of this Committee to Sir Narasimha Sarma, who was formerly Leader of the Council of State, and that he has agreed to serve in this capacity. I feel sure that his appointment will be welcomed both by his former colleagues in this Chamber and by the public generally.

I was indebted to the late Council of State not only for the work performed on behalf of India in the Chamber itself, but for the eminent services of individual Members of the Chamber on important Committees and Commissions. I feel sure I can rely on the Members of the present Council of State for the same measure of support and help. I note that Sardar Jogendra Singh, who was a Member of this Chamber, in spite of having undertaken the responsible and arduous duties of Minister in the Government of the Punjab, has intimated that he will gladly continue to serve on the Indian Sandhurst Committee; and Mr. Sethna, who is a past and present Member of the Council of State, has undertaken the heavy obligation of proceeding to England and elsewhere for three months as a

[H. E. the Viceroy.]

member of the same Committee in order to study military training institutions. I appreciate this keen desire to perform public service even at personal inconvenience, and I gladly bring to notice these instances of the spirit which animates the Members of this Chamber in their outlook on their responsibilities to the public.

When I last addressed this Chamber I expressed my gratification that the observations made by me in my speech to the Indian Legislature at the opening of the last Session had been correctly understood in this Chamber, and that my desire to see a spirit of more friendly co-operation and goodwill had been appreciated. There were two considerations of importance. In the first place by the evidence of a spirit of this character an earlier appointment of the Statutory Commission might be secured. I understand that this is the aspiration of all in India whose avowed desire is to attain political progress by constitutional means. Not less important is the other consideration that by this spirit alone a better political atmosphere would come into existence and prevail at the time the Commission commenced its inquiry. I brought those considerations to the attention of this Chamber on its dissolution, and I again commend them to the notice of the reconstituted Council of State. Without the existence of conditions in which forms of responsible institutions can develop harmoniously, the results of an inquiry by a Statutory Commission may fall short of expectations. Let us remember the intentions of Parliament as expressed in the Preamble of the Act: "And whereas the action of Parliament must be guided by the co-operation received from those on whom new opportunities of service will be conferred".

It is thus made clear that proof of genuine goodwill in the direction of working the constitution to the best advantage will be regarded by the British Parliament as an important factor for their guidance in determining the course to be pursued in the immediate future. If this view is correct, and I can scarcely conceive the possibility of contradiction, and as the future stages of advance must be decided by the British Parliament, would it not benefit India's political progress to provide plain and unambiguous evidence of this goodwill? I dealt at some length with this aspect of the constitutional question in my recent address to the Assembly. I expressed my regret that the Legislature had not availed itself definitely of the opportunity afforded to it, and that the spirit manifested in the offer by His Majesty's Government had not met with a more ready and complete response. No useful purpose would now be served by repeating the tenour of my observations.

They were intended to help India and were conceived to the best of my judgment in the true interests of Indian political progress. In some quarters they have elicited comment and criticism which seem to indicate a complete misunderstanding both of the purpose I had in view and the spirit that animated me. I feel sure that I run no such risk in this Chamber and that I may look to it with confidence for greater encouragement in my expectations. Once more let me solemnly assert my profound conviction that it is along this avenue that the aims and aspirations of India may the more quickly be attained, and that true prospects of peaceful progress may the more surely be found. I still cherish the hope that India will not tarry in pursuing it.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

WEDNESDAY, 10th FEBRUARY, 1926

Vol. VII—No. 2

OFFICIAL REPORT

CONTENTS

Member Sworn.
Questions and Answers.
Welcome to Members by the Honourable the President.
Messages from His Excellency the Governor General *re*—
(1) Panel of Chairmen;
(2) Presentation and Discussion of the Railway Budget.
Committee on Petitions.
Appointment of the Honourable Mr. K. C. Roy to the Library Committee.
Governor General's Assent to Bills.
Bills passed by the Legislative Assembly—Laid on the Table.
Election of a Panel for the Standing Committee on Emigration.
Resolution *re* Ratification of the Draft Convention of the International Labour Conference concerning Workmen's Compensation for Occupational Diseases—Adopted.
Resolution *re* Continuation of the Imposition of a Customs Duty on Lac—Adopted.
Statement of Business.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Wednesday, 10th February, 1926.

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

MEMBER SWORN:

The Honourable Rai Bahadur Lala Ram Saran Das, C.I.E. (Punjab: Non-Muhammadan).

QUESTIONS AND ANSWERS.

Construction of a Railway Line between Mangalore and Hassan.

1. The Honourable Rao Sahib Dr. U. RAMA RAO: Will the Honourable Member in charge of Commerce and Railways be pleased to state:

(i) whether it is proposed to construct a railway line between Mangalore and Hassan;

(ii) if so, of what gauge; whether the estimates therefor have been sanctioned and approved by the Railway Board and for what amount;

(iii) the principal towns which the line is intended to touch in the district of South Kanara; and

(iv) when the construction work is likely to commence?

The Honourable Mr. D. T. CHADWICK: (i)—(iv). The proposal for the construction of a railway line from Mangalore to Hassan is in abeyance, as an examination of the project prepared in 1917 showed that its financial prospects do not justify the construction of this line at present.

Separation of Judicial and Executive Functions.

2. The Honourable Rao Sahib Dr. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether they have received from the Government of Madras the report of the Committee appointed by the latter to report on the separation of executive and judicial functions, with their opinions thereon;

(*b*) whether the Government have so far issued any orders laying down their policy in the matter; and

(*c*) if so, will the Government be pleased to place their orders on the table of the House; if not, will the Government be pleased to state when orders are likely to issue?

THE HONOURABLE MR. J. CRERAR: (1) Yes.

(2) No.

(3) I cannot say at present when a decision is likely to be arrived at.

THE MADRAS LAND REVENUE BILL.

3. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether they have received for sanction from the Madras Government a Land Revenue Bill to give effect to the recommendations of the Joint Parliamentary Committee;

(*b*) whether sanction has been accorded; if not, why; and

(*c*) whether the Government will place a copy of the Bill received from the Madras Government on the table of this House?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (1) The Government of India have received the draft Bill referred to.

(2) It is presumed that in speaking of "sanction" the Honourable Member refers to the executive approval of the Government of India. That approval has not yet been conveyed. The draft Bill raised certain important questions of principle which are the subject of correspondence between the Government of India and the Government of Madras.

(3) Government regret their inability to comply with the Honourable Member's request.

RETRANSFER TO BENGAL OF CERTAIN BENGALI STATE PRISONERS DETAINED IN JAILS IN THE MADRAS PRESIDENCY.

4. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether the Bengali State prisoners, Messrs. Das, Ganguly and Gupta, have been transferred to Trichinopoly and Messrs. Sen, Sircar and Muzumdar to Cannanore Jails;

(*b*) whether it is a fact that they have been put in punishment cells;

(*c*) whether it is a fact that they have been deprived of the privileges enjoyed by them in the jails in Burma and Bengal in which they were previously stationed;

(*d*) whether Messrs. Das and Ganguly had been suffering from duodenal ulcer and nasal catarrh and cystitis, respectively, in the places in which they were previously stationed and whether they were recommended by the medical officers of the respective jails to be placed under the treatment of specialists;

(*e*) whether it is a fact that no treatment has been given them till now; and

(*f*) whether in view of the unsuitability of Madras jails, owing to climatic, food, and other considerations, the Government will order their retransfer to Bengal?

THE HONOURABLE MR. J. CRERAR: (*a*) Certain State prisoners have been transferred to jails in the Madras Presidency. I am not prepared to specify the jails in which individual prisoners are confined.

(*b*) The facts are that in one jail each prisoner has two cells, one for use as a bed room and the other as a store room. They have also another cell as a common dining room. In the other, State prisoners are confined in a separate enclosure consisting of 20 well ventilated airy cells. Each prisoner has the use of three cells, one as a bed room, one for storage of property and one as a sitting room.

(*c*) No. Uniformity of treatment has as far as possible been secured.

(*d*) and (*e*). The reply to (*d*) is in the negative, in so far as Babu Purna Chandra Das is concerned. Babu Pratul Chandra Ganguli had been suffering from nasal catarrh and bacillary infection of the urinary tract and the medical officer had recommended treatment by a specialist. As, however, his condition did not appear to give cause for anxiety, the question of specialist treatment was postponed until his transfer to the Madras Presidency. Since his arrival there he has been examined by the District Medical Officer and the Inspector General of Prisons, both of whom have expressed the opinion that the prisoner is not seriously ill, that his condition does not necessitate surgical treatment and that treatment on constitutional lines should be given a fair chance before other action is taken.

(*f*) Government have no present intention of doing so.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Is the Honourable Member aware that, in reply to private notice question No. 4 (*b*) put by Mr. A. Rangaswami Iyengar in the Legislative Assembly on the 26th January last (*vide* page 256, Volume VII, No. 4, Legislative Assembly Debates), the Honourable the Home Member said, in respect to the prisoner, Mr. P. C. Ganguli, that "he is not seriously ill, that his condition does not necessitate surgical treatment and that treatment on constitutional lines should be given a fair chance before other action is taken?"

THE HONOURABLE MR. J. CRERAR: I am aware that the Honourable the Home Member gave a reply in another place in terms very similar to my reply to the Honourable Member now.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: In view of that reply, will the Honourable Member kindly enlighten us as to the nature of the treatment given to this prisoner, surgical or otherwise?

THE HONOURABLE MR. J. CRERAR: As explained in my reply our latest information is this, that medical opinion is that surgical treatment is not necessary and that treatment on constitutional lines, that is, treatment directed to a general improvement of the general health of the prisoner is all that is at present required.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Honourable Member say if these prisoners are all free from their respective complaints now?

THE HONOURABLE MR. J. CRERAR: The information I have given is most recent information in the possession of the Government of India. If the Honourable Member desires any further information of a more recent date, I must ask him to give me notice.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

5. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: (*a*) Will the Government be pleased to give a list of the Provincial Governments from whom they have received proposals in respect of the separation of judicial and executive functions?

(*b*) When did they receive the proposal from the Government of Bihar and Orissa on the report of the Committee appointed by the latter in that province to formulate a scheme for the said separation of functions?

(*c*) Have the Government of India been able to reach a definite decision on the matter? If so, have they addressed or do they propose to address the Local Governments concerned on the subject? If not, why not?

(*d*) Are they aware that public dissatisfaction with the delay in giving effect to the scheme of separation has been voiced in the Bihar and Orissa Legislative Council more than once by means of questions and budget motions?

THE HONOURABLE MR. J. CRERAR: (*a*) Proposals have been received from the Governments of Madras, Bengal, the United Provinces and Bihar and Orissa, some of which are tentative.

(*b*) The Bihar and Orissa proposals were received in June 1923.

(*c*) Not at present. The reply to the second part does not therefore arise, and the reply to the third part is the complexity of the subject.

(*d*) Government are aware of the references to the subject in the Bihar and Orissa Legislative Council.

PROPOSED LEVY OF RATES ON COAL EXPORTED FROM BIHAR AND ORISSA.

6. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: Will the Government of India be pleased to state:

(*a*) if it is a fact that the Government of Bihar and Orissa sent up proposals to them suggesting the levy of rates on coal exported from the province with a view to increase their financial resources;

(*b*) if the answer be in the affirmative, will the Government be pleased to state whether they approved of the suggested scheme; if not, why; and

(*c*) if the correspondence mentioned [illegible] will the Government be pleased to state the month and year in which they received the communication in question from the Bihar Government and the month and the year in which they sent them (the Bihar Government) their reply?

THE HONOURABLE MR. A. C. McWATTERS: (*a*) Yes.

(*b*) The proposal was not accepted. It involved taxing the raw material of industry all over India, and it was considered unfair to other provinces to abandon to one province, on account of its privileged position, what should be, if imposed at all, a source of central revenue.

(*c*) The proposal was made in June 1922 and the final communication from the Government of India, after consulting other Local Governments, was in March, 1923.

ARREARS OF WORK IN THE PATNA HIGH COURT.

7. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: (*a*) Will the Government be pleased to lay on the table a statement showing the total number of undisposed of cases in the Patna High Court up to the 1st of January last under the following heads and also stating under each head the year in which they were filed:

(1) First Appeals;
(2) Second Appeals;
(3) Civil Revisions;
(4) Miscellaneous?

(*b*) Is there any proposal permanently to increase the number of puisne judges of the Patna High Court by making the present additional judges permanent or to appoint more additional judges to dispose of the arrears?

THE HONOURABLE MR. J. CRERAR: (*a*) A statement is laid on the table showing the number of pending cases on the 1st January 1925. The further information desired by the Honourable Member is not readily available and to collect it would entail the expenditure of considerable time and labour which, in the opinion of Government, would not be commensurate with the result.

(*b*) The Government of India are not aware of any such proposals.

List of pending cases in the Patna High Court on the 1st January, 1925.

—	Pending on the 1st January, 1925.
First appeals	823
Second appeals	3,136
Civil revisions	232
Miscellaneous cases	108

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

8. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: (*a*) Have the Government of India concluded their consideration of the report of Messrs. Phillip and Duff on the question of the amalgamation of the Oriya-speaking tracts in the Presidency of Madras with the Orissa Division of the province of Bihar and Orissa?

(*b*) If the answer is in the affirmative, will they be pleased to state if they have sent up their proposals to the Secretary of State? If so, when?

(*c*) Will the Government also be pleased to lay on the table copies of their despatch on the report?

THE HONOURABLE MR. J. CRERAR: The question is still under consideration.

COMMITTEES APPOINTED DURING THE YEARS 1922, 1923 AND 1924.

9. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: Will the Government be pleased to lay on the table a statement

(*a*) showing the number of Committees appointed by them during the years 1922, 1923 and 1924;

(*b*) the expenditure incurred on each of them;

(*c*) how many and which of them have already submitted their reports and how many are yet engaged in their work; and

(*d*) the action Government have taken on those reports that have already been submitted to them?

THE HONOURABLE MR. J. CRERAR: I am having the information asked for in parts (*a*), (*b*) and (*c*) of the question collected and will lay it on the table of the House in a few days' time. As regards part (*d*) I regret that it would be impossible for me to give the information asked for within the reasonable limits of a reply to a question. I suggest that, in respect of any report or reports in which the Honourable Member is particularly interested, he should address specific questions to the Honourable Members representing the Departments concerned.

PERCENTAGE OF APPOINTMENTS HELD IN THE IMPERIAL SERVICES BY INDIANS AND NON-INDIANS.

10. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: Will the Government be pleased to lay on the table a statement stating:

(*a*) the various Imperial Services existing in the country;

(*b*) the percentage of appointments held in these services by Indians and non-Indians in the years 1921 and 1925;

(*c*) which of these Imperial Services are to be provincialised in accordance with the recommendations of the Lee Commission and what steps have the Government of India taken to provincialise these departments?

(*d*) Will the Government be pleased to state, province by province, in respect of the Indian Civil and the Indian Police Services, how many years it will take to reach the minimum 50 per cent. of Indians in those services, and what steps they have taken to work up to these percentages?

THE HONOURABLE MR. J. CRERAR: (*a*) and (*b*). The necessary information in respect of the year 1921 is given in the statement printed on page 204 (*a*) of the Legislative Assembly Debates. A similar statement in respect of the year 1924 will be found on pages 2179-2183 of those Debates. The collection of the necessary material entails considerable time and labour and I hope the information furnished will meet the Honourable Member's requirements.

(*c*) The following services are to be provincialised:

The Indian Educational Service.

The Indian Agricultural Service.

The Indian Veterinary Service.

The Indian Forest Service in Bombay and Burma.

The portion of the cadre of the Indian Service of Engineers working in the Buildings and Roads Branch, on the basis proposed in paragraph 40 of the Lee Commission's Report.

Draft rules to give effect to the arrangements are under the consideration of the Secretary of State in Council.

(*d*) It is anticipated that the proportion will be reached approximately in the case of the Indian Civil Service in 15 years and in the case of the Indian Police Service in 25 years.

I am unable to make any detailed forecast of the results in each province separately, but would refer the Honourable Member to the answer given on the 25th August, 1925, to Khan Bahadur Ghulam Bari's question No. 4 in the Legislative Assembly.

Number of Superior Posts in the Government of India Secretariat held by Indians on the 1st January, 1921, and the 1st January, 1926.

11. The Honourable Babu ANUGRAHA NARAYAN SINHA: (*a*) Will the Government be pleased to lay on the table a comparative statement showing the total number of departmental Secretaries, Under-Secretaries, Deputy Secretaries and Assistant Secretaries working in the Government of India on the 1st of January, 1921, and on the 1st of January, 1926?

(*b*) How many of these posts, under each head, were held by Indians in 1921 and how many on the 1st of January, 1926?

The Honourable Mr. J. CRERAR: I lay on the table a statement giving the information required.

Statement showing the number of superior posts in the Government of India Secretariat held by Indians on 1st January, 1921 and 1st January, 1926.

Appointments.	1st January, 1921.		1st January, 1926.		Remarks.
	Total.	Indians.	Total.	Indians.	
Secretaries	14	1	14	...	
Joint Secretaries	2	...	3	1	
Deputy Secretaries	20	1	24	6	
Under Secretaries	8	1	10(*a*)	7	
Assistant Secretaries	22	4	22(*b*)	15	
Total	66	7	73	29	

Note.—Appointments of Additional Deputy Secretaries and Under Secretaries have been included among Deputy Secretaries and Under Secretaries.

(*a*) One appointment of Under Secretary in the Department of Education, Health and Lands, was held in abeyance.

(*b*) Two appointments of Assistant Secretaries in the Department of Education, Health and Lands were temporary lasting from 23rd November, 1925, to 19th January, 1926.

GRANT OF PREFERENCE TO THE DOMINION OF CANADA.

12. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: (*a*) Has the attention of the Government of India been drawn to the following statement by the (London) *Financial News*:

> " Efforts to expand Canada's foreign trade may result in the opening of negotiations in the near future with the Government of India. It is considered that the grant of minor concessions by Canada may result in substantial benefits to Canadian trade. Up to the outbreak of war India maintained a tariff of 5 per cent. In 1916, this was raised to 7½ per cent., while in 1922, a tax of 30 per cent. was placed on automobiles, which are now the chief Canadian export in India. In view of this it is considered in Canada that the Dominion should receive more substantial preference."

(*b*) If the answer be in the affirmative, will the Government be pleased to state if any negotiations have taken place between them and the Government of Canada; and if they propose to take the Central Legislature into their confidence as to the nature of these negotiations?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) Government have seen the extract quoted.

(*b*) No such negotiations have taken place.

ANTI-ASIATIC LEGISLATION IN SOUTH AFRICA.

13. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: (*a*) Will the Government be pleased to state if their attention has been drawn to the resolutions adopted at the recent sessions of the Indian National Congress, the Liberal Federation and the Moslem League on the present position of Indians in South Africa?

(*b*) Has their attention been drawn to the refusal of the Union Government of South Africa to agree to any scheme of a Round Table Conference for a settlement of the Indian problem?

(*c*) Has the attention of the Government been drawn to recent cables from Mr. Andrews depicting the seriousness of the situation and stating that the anti-Asiatic Bill is to be proceeded with and passed practically without any opposition?

(*d*) If the answers to these questions be in the affirmative, will they be pleased to enlighten the Council on the steps they have taken:

(i) to secure a postponement of the impending Bill in South Africa;

(ii) to urge upon His Majesty's Government the intensity of Indian feeling and a veto of the measure if it be enacted into an Act; and

(iii) if neither of these be of any avail, to see that Indians are not deprived of their just rights as subjects of the Empire?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (*a*) to (*c*). The reply is in the affirmative.

(*d*) The attention of the Honourable Member is invited to the statements on this subject made by His Excellency the Viceroy in opening the

Session of the Legislative Assembly on the 20th January last and the current Session of this Chamber.

THE COMMONWEALTH OF INDIA BILL.

14. THE HONOURABLE BABU ANUGRAHA NARAYAN SINHA: Will the Government be pleased to state if they have been consulted by the Secretary of State on the Commonwealth of India Bill either before or after its introduction in the House of Commons? If so, will they be pleased to lay on the table copies of the correspondence on the subject including their own reply, if any, to the Secretary of State?

THE HONOURABLE MR. J. CRERAR: The reply to the first part of the Honourable Member's question is in the negative. The second part therefore does not arise.

RATIFICATION BY THE JAPANESE GOVERNMENT OF THE CONVENTIONS OF THE INTERNATIONAL LABOUR CONFERENCE.

15. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that the Japanese Government has not ratified the conventions and recommendations passed by the International Labour Conference?

THE HONOURABLE MR. A. H. LEY: Japan has ratified 6 of the 17 Conventions approved at the International Labour Conferences up to the end of 1924. Recommendations are not capable of ratification.

RESOLUTION *RE* RUPEE TENDERS.

16. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government be pleased to inform the Council of any action they may have taken or contemplate taking on the Resolution moved by Mr. Jinnah on the 14th February, 1924, and accepted by the other House regarding the inviting of tenders in this country and in rupees?

THE HONOURABLE MR. A. H. LEY: The Government of India have thought it desirable to examine in the first instance the question to what classes of stores the rupee tender purchase system could be applied without undue sacrifice of economy and without incurring undue risk of unsatisfactory supplies. This has necessarily involved detailed discussion with the various purchasing and consuming departments of Government, but I am able to say that these discussions have now got so far that a list of the different kinds of stores to which the system might be extended without undue risk has been compiled and is now under examination.

REDUCTION OF RAILWAY FREIGHTS ON COAL.

17. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what action they have taken or intend to take on my Resolution, which was adopted by this House on 15th September, 1925, regarding a decrease in the rate of coal railway freight for long distances?

THE HONOURABLE MR. D. T. CHADWICK: The matter has been considered in consultation with the Indian Railway Conference Association, but I am not prepared to make any statement at this stage.

IMPORTS OF ARTIFICIAL GHI.

18. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what has been the quantity and value of "Vegetable Product" and other artificial ghi imported into the country during each of the last five years? Will they also state what has been the revenue derived by Government from the customs duties levied on these vegetable products?

THE HONOURABLE MR. D. T. CHADWICK: The Government have not the information as statistics are not separately recorded.

RECRUITMENT OF TRAFFIC INSPECTORS (TRANSPORTATION) ON THE NORTH WESTERN RAILWAY.

19. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether they have taken or contemplate taking any action on my Resolution, adopted on 28th February, 1923, by the Council of State, regarding recruitment of Traffic Inspectors (Transportation) on the North Western Railway?

INDIAN TRAFFIC INPSECTORS (TRANSPORTATION) ON THE NORTH WESTERN RAILWAY.

20. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state how many Indians have been appointed (*a*) permanently; and (*b*) on probation as Traffic Inspectors (Transportation) from 1st April, 1923, up to the 31st December, 1925? Will they also kindly state how many of these have during this period retired, and how many are still in service? Will they also state how many Indians are at present working in officiating appointments, together with the dates from which they are so working?

THE HONOURABLE MR. D. T. CHADWICK: I propose to reply to questions Nos. 19 and 20 together. As was pointed out in reply to question No. 572, asked on the 2nd September, 1925, in the Legislative Assembly railway administrations have been especially addressed on the subject and they will no doubt give it their careful consideration when vacancies occur, and if Indians with the requisite qualifications are available.

Government have not got any information beyond that furnished in the Legislative Assembly in their reply to question No. 853 put by Khan Bahadur Sarfaraz Hussain Khan on the 17th of March, 1924, nor do they consider that it will serve any useful purpose to call for further information of this piecemeal character after so short an interval of time.

SELECTION OF STATION MASTERS AS TRAFFIC INSPECTORS (TRANSPORTATION) ON THE NORTH WESTERN RAILWAY.

21. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (*a*) Is it a fact that some time back some station masters on the North Western Railway were, after some examination, selected for trial as Traffic Inspectors (Transportation)? Will the Government kindly state how many station masters were thus selected? How many of them are now officiating and how many have reverted?

(*b*) Will the Government kindly state what was the length of service and grade of each of the Indian station masters so selected?

THE HONOURABLE MR. D. T. CHADWICK: Government have no information but will make inquiries.

APPOINTMENTS OF EUROPEANS AND ANGLO-INDIANS AS TRAFFIC INSPECTORS (TRANSPORTATION) ON THE NORTH WESTERN RAILWAY.

22. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state how many (*a*) Europeans and (*b*) Anglo-Indians have been appointed as Traffic Inspectors (Transportation) on the North Western Railway from 1st April 1923 to 31st December 1925, by (i) direct recruitment and (ii) promotion? What have been the length of service, grade and qualifications of each of them?

THE HONOURABLE MR. D. T. CHADWICK: The Honourable Member is referred to the reply just given by me to questions Nos. 19 and 20.

MEMORIAL TO THE CHIEF MECHANICAL ENGINEER, NORTH WESTERN RAILWAY, FROM THE INDIAN LITERATE APPRENTICES.

23. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what decision they have now arrived at in connection with the memorial to the Chief Mechanical Engineer, North Western Railway, Lahore, from the Indian literate apprentices?

THE HONOURABLE MR. D. T. CHADWICK: The case has not been referred to Government and they have no information.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Last time when I put this question, as far as I remember, the reply given was that the matter was under consideration. If it was under consideration then, has no decision been arrived at yet?

THE HONOURABLE MR. D. T. CHADWICK: It was under consideration by the officer to whom the memorial was sent. No memorial was sent to Government. An unsigned copy of a printed one was sent but it was not addressed to Government.

ENLISTMENT IN THE INDIAN ARMY OF HINDU JATS FROM THE JULLUNDUR AND LAHORE DIVISIONS.

24. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that in the Jullundur and Lahore Divisions of the Punjab the Hindu Jats can get enlistment in the Indian Army only with great difficulty?

THE HONOURABLE MR. A. H. LEY: (on behalf of His Excellency the Commander-in-Chief): Hindu Jats from the Jullundur and Lahore Divisions are eligible for service in the Indian Army. It is, however, a fact that, apart from those who are Dogras, Hindu Jats are not taken into the Army in large numbers from these two civil divisions.

NUMBER OF HINDU, SIKH AND MUSLIM JATS IN THE INDIAN ARMY.

25. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what is the number at present in the Indian Army of Hindu Jats, Sikh Jats and Muslim Jats, recruited from Ambala Division, and from districts in the Jullundur and Lahore Divisions?

Is this number of recruits in the Indian Army, from the different sections of the Jat community in proportion to their respective populations?

THE HONOURABLE MR. A. H. LEY (on behalf of His Excellency the Commander-in-Chief): The information desired by the Honourable Member in the first part of this question is not available, as our statistics do not show the numbers recruited by districts or divisions but by provinces. With regard to the second part, I may state that the extent to which the different castes and classes are enlisted in the Indian Army depends more on their suitability for service as soldiers, than on their total numbers.

NUMBER OF PUNJABI HINDUS IN THE INDIAN ARMY.

26. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly lay on the table a statement showing the number of soldiers in the Indian Army, recruited from each of the Hindu castes and tribes in each district of the Punjab?

THE HONOURABLE MR. A. H. LEY (on behalf of His Excellency the Commander-in-Chief): I regret that I am unable to furnish the Honourable Member with the information which he desires, since as I have just stated in reply to the previous question, our recruiting statistics are not compiled to show the classes and castes by districts but by provinces as a whole: I lay on the table, however, a statement showing the total number of the various Hindu castes and tribes (other than Sikhs) serving in the Indian Army on the 1st January 1925, from the whole of the Punjab Province and I trust that this information will suffice for the Honourable Member's purpose.

Statement showing the number of various Hindu castes and tribes other than Sikhs) from the Punjab serving in the Indian Army on the 1st January, 1925.

Dogras	Brahmans	691
	Rajputs	8,191
	Jats	739
	Other castes of Dogras	793
		10,414

Other Punjabi Hindus.

Brahmans	604
Rajputs	1,027
Jats	4,941
Ahirs	1,795
Gujars	387
	8,754
GRAND TOTAL	19,168

RECRUITMENT OF MUHYAL BRAHMANS OF THE RAWALPINDI DIVISION FOR THE INDIAN ARMY.

27. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that in the Rawalpindi Division for some time past the Muhyal Brahmans cannot now get enlistment in the Army? Will the Government kindly state why this is so?

THE HONOURABLE MR. A. H. LEY (on behalf of His Excellency the Commander-in-Chief): The answer to the first part of the question is in the negative. The second part does not arise. The Honourable Member will be interested to learn that there are now more than half as many more Muhyal Brahmans serving in the Indian Army than was the case before the war.

RECRUITMENT OF PUNJABI HINDU REGIMENTS FOR THE INDIAN ARMY.

28. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that in the Indian Army raised from the Punjab, we have regiments known under the names of "Punjabi Musalmans" and "Sikhs"? Is it a fact that in the regiments known as the "Punjabi Musalmans", there are usually recruits from several Muslim castes and tribes, and similarly in the "Sikh" regiments there are recruits from several Sikh castes and tribes? Is it also a fact that there is in the Indian Army raised from the Punjab no regiment known under the name of "Punjabi Hindus", and consequently Hindu Jats in the Jullundur and Lahore Divisions, Muhyal Brahmans and Hindu Khattris in the Rawalpindi, Lahore and Jullundur Divisions, and several other Hindu fighting classes in different parts of the province cannot get enlistment in the Indian Army? Will the Government kindly state why no "Punjabi Hindu" regiments as such are raised in the Punjab?

THE HONOURABLE MR. A. H. LEY (on behalf of His Excellency the Commander-in-Chief): There is no regiment known under the name of "Punjabi Mussalmans". There is one regiment known as Sikhs, namely, the 11th Sikhs, but only three of its battalions are composed exclusively of Sikhs.

Government do not propose to raise a "Punjabi Hindu" regiment as such.

REBATES IN RAILWAY FREIGHT ON COAL BOOKED TO CALCUTTA FOR EXPORT.

29. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state the total weight and the total amount of rebates allowed in railway freight by railways on coal booked to Calcutta for export during 1924-25 and up to 31st December, 1925?

THE HONOURABLE MR. D. T. CHADWICK: The total weight and the total amount of rebate were as follows:—

	Weight.	Amount.
	Tons.	Rs.
During 1924-25	12,00,000	12,00,000
From April 1925 to December 1925.	*10,82,000	10,24,000

NUMBER OF MAZHBI SIKHS IN THE INDIAN ARMY.

30. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state how many Mazhbi Sikhs there are in the Indian Army? Is it a fact that almost all these Mazhbi Sikhs come originally from among the caste of Chuhras? If so, will they state why Government do not recruit from among the Hindu Chuhras?

* This does not include figures for part of November and December 1925 for the Bengal-Nagpur Railway, which have not yet been received.

THE HONOURABLE MR. A. H. LEY (on behalf of His Excellency the Commander-in-Chief): The answer to the first part of this question is that 1,584 Mazhbi Sikhs are serving in the Indian Army. With regard to the second part, these Sikhs originally came and a few still come from the Chuhra caste. But, on the other hand, the majority of this class now serving in the Army are the descendants of Mazhbi Sikhs who originally may have been Chuhras, but who had long since given up the duties of domestic sweepers.

In view of the reply which I have just given, the third part of the question does not arise.

TRANSFER OF THE MANAGEMENT OF THE DERA ISMAIL KHAN-TANK DECAUVILLE RAILWAY TO THE NORTH WESTERN RAILWAY.

31. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether the narrow gauge light railway, between Dera Ismail Khan and Tank, is still under the control and management of the Military Department? If the management of the railway has been transferred to the North Western Railway, will they kindly state since when has this been done, and on what conditions has this transfer been made?

THE HONOURABLE MR. D. T. CHADWICK: The management of the Dera Ismail Khan-Tank Decauville Railway has been transferred to the North Western Railway, with effect from the 1st April 1925. The terms of the transfer are that the Railway Department acquires the line at present value and works it as part of the strategic lines of the North Western Railway system.

ANNUAL LOSS ON THE DERA ISMAIL KHAN-TANK DECAUVILLE RAILWAY.

32. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what is the annual deficit in running this narrow-gauge light railway between Dera Ismail Khan and Tank? Will they also state which department is debited with this annual deficit—the Military Department or the Railway Department?

THE HONOURABLE MR. D. T. CHADWICK: As entirely separate accounts of the working of the line were not maintained when it was under the administration of the Military Department, no accurate figure of the annual loss of working is available. But it is estimated that the present annual loss, including provision for interest on capital expenditure, will amount approximately to Rs. 1½ lakhs. The question of improving the financial position of the line is, however, receiving attention. The loss in working the line will appear in the railway accounts as part of the loss on working of strategic railways which, under the terms of the Convention for the separation of Railway from General Finance, is borne by General revenues.

DISMANTLING OF THE DERA ISMAIL KHAN-TANK DECAUVILLE RAILWAY.

33. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether it is under contemplation to dismantle this light railway?

THE HONOURABLE MR. D. T. CHADWICK: There is no present intention of dismantling the line with the idea of abandoning it.

SURVEY OF RAILWAY LINES FROM HINDUBAGH TO FORT SANDEMAN AND FROM FORT SANDEMAN TO TANK.

34. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether it is under contemplation to make a survey of a railway line from Hindubagh to Fort Sandeman in Baluchistan, and to make another survey of a railway line from Fort Sandeman across the Gomal River to Tank in the Dera Ismail Khan district? Has the sanction of the survey of these railway lines been received? If so, how far have the survey operations progressed? When can the commencement of the construction of these lines be expected?

THE HONOURABLE MR. D. T. CHADWICK: The Hindubagh-Fort Sandeman Railway survey has recently been completed. A proposal to sanction the construction of the first section from Hindubagh to Kila Saifullah is under consideration, and it is expected that a decision will be arrived at very shortly. The Tank-Dera Ismail Khan-Fort Sandeman section of the Zhob Valley Railway was surveyed in 1913-14. The estimated cost of the line, based on the results of the survey, proved to be disproportionate to the resulting advantages and the construction of the line was, therefore, held in abeyance. Government do not contemplate taking up this project at present.

CONSTRUCTION OF NEW RAILWAY LINES AND ROADS IN THE FRONTIER.

35. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what new railway lines and new metalled and unmetalled roads are projected in the Frontier? What is the total mileage to-day in the trans-border area of metalled and unmetalled roads?

THE HONOURABLE MR. J. P. THOMPSON: Government regret that they are unable to make a statement regarding roads and railways projected in the Frontier as it would not be in the public interest to do so.

The approximate mileage of metalled roads in the trans-border area is 280, but no figure can be given as to the total length of unmetalled roads in view of the vagueness of the term, which would presumably include mountain tracks made by the tribesmen themselves.

NUMBER OF SENIOR STATION MASTERS ON THE NORTH WESTERN RAILWAY.

36. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what is the number of senior grade station masters, carrying a salary of Rs. 250, or more, on the North Western Railway? How many of these station masters are Europeans, Anglo-Indians and Indians? What increase in the number of Indians in the grades of station masters has been made during each of the last five years ending 31st December, 1925?

THE HONOURABLE MR. D. T. CHADWICK: The names of station masters drawing Rs. 250 and over are given in the Railway Board's Classified List of Establishment, the latest copy of which is available in

the Members' Library. The Honourable Member is also referred to page 65 of the Report of the Railway Board for 1924-25 in which statistics are furnished showing the distribution of the number of railway employees amongst the several communities, both on the 3 old State Railways and on other Class I lines excluding those belonging to Indian States.

PROSPECTS OF LITERATE APPRENTICES ON THE NORTH WESTERN RAILWAY, ETC.

37. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what are the prospects of literate apprentices on the North Western Railway? Will they also state what are the qualifications required from candidates for the posts of journeymen?

THE HONOURABLE MR. D. T. CHADWICK: I regret Government have no information. Inquiry is being made from the Agent, North Western Railway, and the Honourable Member will be informed of the results of the inquiry.

NUMBER OF FOREMEN, CHARGEMEN AND JOURNEYMEN EMPLOYED ON THE NORTH WESTERN RAILWAY.

38. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what is the total number of (*a*) Foremen, (*b*) Chargemen, and (*c*) Journeymen employed in the Loco, Carriage and Electric Shops of the North Western Railway? How many of these are Indians, Anglo-Indians and Europeans? How many of these have been recruited (*a*) in England, and (*b*) in India, during each of the last five years on covenant? What are the qualifications and rules for recruitment for each of such posts, and what steps are Government taking to increase the number of Indians in these appointments?

THE HONOURABLE MR. D. T. CHADWICK: Government have not the information exactly in the detailed form asked for. But the Honourable Member's attention is invited to Chapter V and Appendix G on page 108 of Vol. I of the Report on Indian Railways for 1924-25, to which I have just alluded, and to the Railway Board's Classified List, copies of which publications are in the Library.

LIGHTING OF ROADSIDE STATIONS ON THE NORTH WESTERN RAILWAY.

39. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what steps they are taking to improve the arrangements for lighting the roadside stations of the North Western Railway?

THE HONOURABLE MR. D. T. CHADWICK: Government are not aware what arrangements require improvement, and I suggest that the matter is one which can suitably be brought to the notice of the Agent through his Local Advisory Committee.

REDUCTION OF FARES ON THE NORTH WESTERN RAILWAY.

40. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: With reference to the recent notification of the North Western Railway regarding reduction in railway fares, will the Government state why a flat rate

of 3 pies per mile for third class passengers has not been adopted for all distances on the railway and why the railway have decided in favour of 3½ pies per mile up to a distance of 50 miles? Will the Government kindly state what difference in income would it make to the railway if 3 pies instead of 3½ pies were charged up to a distance of 50 miles?

THE HONOURABLE MR. D. T. CHADWICK: The reduction in third class fares which is being made on the North Western Railway is estimated to cost 20½ lakhs. A reduction to 3 pies for the first 50 miles would cost an additional 34½ lakhs, and it is considered unlikely that such a reduction would stimulate traffic to an extent sufficient to recoup the loss.

CONSTRUCTION OF NEW RAILWAY LINES IN THE PUNJAB.

41. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what new railway lines are to be constructed in the Punjab this year? What is their gauge, mileage and estimated cost?

THE HONOURABLE MR. D. T. CHADWICK: The construction of the following new railway lines in the Punjab will it is hoped be commenced this year:—

Railway.	Gauge.	Length.	Estimated cost.
			Rs.
1. The Kangra Valley Railway . .	2′ 6″	101 miles.	1,34,00,000
2. The Shahdara Narowal Railway . .	5′ 6″	49 ,,	28,00,000
3. The Amritsar Narowal Railway . .	5′ 6″	40 ,,	59,87,968
4. The Sirhind Rupar Railway . .	5′ 6″	30 ,,	38,00,000

Items (1) and (2) have been sanctioned and work is being put in hand.

Items (3) and (4) will probably be sanctioned shortly.

Government have under investigation several other proposed lines, namely:—

Bhiwani Rohtak.
Jagadhari Thaneswar.
Montgomery Pakpatan-McLeodgunj.
Sangla Hill Khushab.
Rohtak Gohana Panipat.

and, should, as a result of such investigation, any of them be considered financially justifiable, their construction will be sanctioned.

ABANDONMENT OF LAND UNDER CULTIVATION BY CANAL WATER OWING TO THE ACCUMULATION OF HEAVY ALKALINE DEPOSITS.

42. THE HONOURABLE SIR DINSHAW WACHA: Will the Government be pleased to state:

(*a*) what lands under cultivation by canal water in different parts of the country have already been, or are likely to be, abandoned by reason of accumulation of heavy alkaline deposits;

(*b*) what is the percentage of the area which such abandoned lands bear to the total area of land under cultivation by canal water; and

(c) what measures have the Government taken, and what measures do they propose to take, in order that other lands under cultivation by canal water may not be similarly abandoned in future by reason of the formation and accumulation of alkaline deposits?

THE HONOURABLE MR. A. H. LEY: The information available with the Government of India is insufficient to enable a full reply to be framed at present but I am asking Local Governments for reports and, on their receipt, will lay a reply on the table.

TRAINING OF STUDENTS IN STATE AGRICULTURAL COLLEGES IN METHODS FOR THE PREVENTION OF ALKALINE DEPOSITS ON LANDS UNDER CULTIVATION BY CANAL WATER.

43. THE HONOURABLE SIR DINSHAW WACHA: Will the Government be pleased to state whether the State Agricultural Colleges have in their syllabus any course of lectures on the subject of the formation of alkaline deposits on lands under cultivation in this country by canal water? Are the post-graduates and students trained in the practical methods by which such deposits may be prevented? If not, do the Government propose to instruct the Colleges so to train the students?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Though the subject is not specifically mentioned in the syllabus of studies of the Agricultural Colleges, it comes under the heading of soils and their treatment—a subject which forms part of the general curriculum of these colleges. In provinces where the question is acute, it forms part of a special study both in the laboratory and in the field. In the Punjab, for instance, a special station has been established on the Lower Bari Doab Colony for investigating and carrying out experiments in the reclamation of salt lands.

LAND MORTGAGE BANKS.

44. THE HONOURABLE SIR DINSHAW WACHA: Will the terms of reference to the Agricultural Commission recently announced include the desirability or otherwise of establishing Land Mortgage Banks to finance the existing Co-operative Agricultural Societies for the purpose of affording a certain measure of relief to indebted agriculturists?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The answer is in the affirmative.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: May I know whether copies of the terms of reference to the Agricultural Commission are available to Members of this House?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Yes.

FAILURE OF THE JAPANESE GOVERNMENT TO GIVE LEGISLATIVE EFFECT TO CERTAIN RESOLUTIONS OF THE GENEVA LABOUR CONFERENCE.

45. THE HONOURABLE SIR DINSHAW WACHA: Have the Japanese Government failed hitherto to give legislative effect to certain resolutions of the Geneva Labour Conference, passed some time since, regarding

shorter hours of labour, non-employment of children and women at night and other kindred matters; if so, do Government propose drawing the attention of the coming Labour Conference to this failure?

THE HONOURABLE MR. A. H. LEY: The Honourable Member is presumably referring to the draft Conventions adopted at the first session of the International Labour Conference held at Washington in 1919, relating to hours of work, night-work for women, and night-work for young persons. As considerable misapprehension appears to exist on the subject of these Conventions and the obligations involved in them, I am glad to have this opportunity of explaining the position. No country is obliged to enforce any draft Convention adopted by an International Labour Conference unless and until it has ratified that Convention, and the question whether a Convention shall or shall not be ratified is a matter for the authorities within the country to decide. Should the competent authority decide that the Convention shall not be ratified, no legal obligation rests on that country to secure the enforcement of the Convention. If a member fails to secure the effective observance of any Convention which it has ratified, any other member ratifying that Convention is entitled to file a complaint with the International Labour Office under Article 411 of the Treaty of Versailles. As however Japan has not ratified any of the Conventions to which I have referred, no question of such a complaint can arise.

SIR FREDERICK WHYTE'S BOOK ON FEDERAL CONSTITUTIONS.

46. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) the terms of reference on which Sir Frederick Whyte was deputed on his mission;

(*b*) the total expenses incurred in this behalf; and

(*c*) the action Government propose to take on his report?

THE HONOURABLE MR. J. CRERAR: (*a*) There were no terms of reference to Sir Frederick Whyte.

(*b*) The total gross cost involved is approximately Rs. 12,000. We shall not know the net cost until we know how many copies are sold.

(*c*) The purpose of the publication was to provide material for the study of Indian Constitutional Reforms. It was thought that, as similar questions may call for settlement in India in the future a statement in a readily available form of the relations subsisting between Central and Local Governments in the principal federal constitutions of the world would be valuable to public men in India.

TREATMENT OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

47. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether in all the jails in Bengal and in Burma, State prisoners were accommodated in big halls and whether in the jails in the Madras Presidency to which some of them have recently been transferred, they are confined in punishment cells;

(*b*) whether out-door games, such as tennis, badminton, football and indoor games were provided in the Bengal and Burma

jails and whether no such provision has been made in the Madras jails;

(*c*) whether the food of these State prisoners is prepared by the ordinary convicts in the Madras jails and whether they are unaccustomed to the Madras food;

(*d*) whether the privilege of being supplied with books has been denied to them in the Madras jails; and

(*e*) whether their privileges in the matter of writing three letters every week has been restricted to two, if to their relatives, and to one, if to their friends?

THE HONOURABLE MR. J. CRERAR: I invite attention to the reply which I have already given to the Honourable Member's question No. 4. I need only add that State prisoners detained in the Madras Presidency are given a diet allowance, subject to a maximum of Rs. 2 per day, according to the scale in force in Bengal; they are allowed to prepare their own menu and to supervise the cooking of dishes. As regards games, books and letter-writing they are afforded the same facilities as they enjoyed prior to their transfer.

ALLOWANCES OF STATE PRISONERS TRANSFERRED FROM BENGAL TO OTHER PROVINCES.

48. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether their attention has been drawn to the statement made by Sir Hugh Stephenson in the Bengal Council that, with the transfer of State prisoners to other provinces, the responsibility of the Bengal Government to pay their allowances also automatically lapses;

(*b*) whether it is on this condition that sanction has been accorded to the transfer of the State prisoners to Madras jails; and

(*c*) whether the Madras Government has undertaken the responsibility of meeting their allowances?

THE HONOURABLE MR. J. CRERAR: I have seen the statement and understand the reference to allowances to be to the diet allowance. This allowance is fixed with regard to conditions obtaining in the place where the detenu happens to be confined, and any proposal to enhance the rate must obviously be initiated by the local authorities concerned. All allowances for State prisoners are sanctioned by the Government of India and are debited to Central Revenues.

SPEECH OF LORD LYTTON AT THE ROTARY CLUB ON THE REFORMATIVE TREATMENT OF CRIMINALS.

49. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether their attention has been drawn to the speech of Lord Lytton at the Rotary Club on the reformative treatment of criminals; and

(*b*) if so, what action they propose to take in the matter?

THE HONOURABLE MR. J. CRERAR: (*a*) I have read the speech.

(*b*) Government are much interested in all proposals for prison reform, but they note that the kind of work which His Excellency Lord Lytton was specially advocating was work for private philanthropy and enterprise, work which, in his own words,—" No Government can do ".

MOPLAH COLONISATION OF THE ANDAMANS.

50. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(*a*) whether they have received the report of the Special Committee appointed to inquire into the fitness of the Andamans for Moplah colonisation; and

(*b*) if so, whether they propose to place the report on the table of this House and to defer action thereon until this House has had its say on the matter?

THE HONOURABLE MR. J. CRERAR: (*a*) and (*b*) I understand that the Honourable Member is referring to the visit, for which Government granted facilities, of four gentlemen to the Andamans to examine the conditions and circumstances of the Mappilla villages there. Government have received the views of one of these gentlemen but not of the others. They cannot, of course, arrive at any conclusions until the complete reports are in their possession.

THE BAWLA MURDER CASE.

51. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state, with reference to the reply given by Sir Alexander Muddiman to the interpellation put by Mr. Gaya Prasad Singh in the Legislative Assembly, on 21st January last, on the subject of the future course of action on the part of the Government in connection with the Bawla murder case, whether the matter is engaging the attention of the Government?

THE HONOURABLE MR. J. CRERAR: Yes.

OFFICIAL REPORT OF THE PROCEEDINGS OF THE CONFERENCE OF FINANCE MEMBERS.

52. THE HONOURABLE MR. HAROON JAFFER: Will the Government be pleased to state whether they intend to publish an official report of the proceedings of the conference of the Finance Members?

THE HONOURABLE MR. A. C. McWATTERS: I would invite the Honourable Member's attention to the reply given by me to a similar question by the Honourable Mr. Sethna on the 22nd January, 1925. For the reasons then given the Government do not propose to publish an official report of the proceedings.

WELCOME TO MEMBERS BY THE HONOURABLE THE PRESIDENT.

THE HONOURABLE THE PRESIDENT: Before proceeding with the further business of the day I am glad to take this early opportunity of welcoming Members of the second Council of State to the labours of its first Session. Those who heard the brief words of farewell which I addressed to the Members of the first Council at its last meeting a few months ago in Simla

[The President.]

will realize what a great pleasure it is to me to see so many former Members back to their old places in this House. The fact alone that there are so many familiar faces will be sufficient assurance to me that I may count on the same support in maintaining the dignity and traditions of this House as has always been accorded to the Chair in the past. But among the new Members there are several who are not new to parliamentary life. There are several who have sat in other Legislative Assemblies and Councils, and I am glad also to add that among the new Members there are several who are old personal friends of mine. These facts combined lead me to appeal with confidence to the House to assist me in maintaining the traditions of the House. I feel quite sure that I shall have the assistance of all Honourable Members in carrying on the work that has been done from this Chamber. I know that there can be no doubt that the decisions and deliberations of this House will receive the consideration from Government and from the country which they have always merited and received in the past.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: I have two Messages for Honourable Members from His Excellency the Governor General.

(The Messages were received by the Members of Council standing.)

The first message reads:

PANEL OF CHAIRMEN.

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

In the first place, the Honourable Mr. Phiroze Cursetji Sethna; in the second place, the Honourable Saiyid Raza Ali; in the third place, the Honourable Sir S. R. M. Annamalai Chettiyar, and lastly, the Honourable Mr. John William Anderson Bell.

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

PRESENTATION AND DISCUSSION OF THE RAILWAY BUDGET IN THE COUNCIL OF STATE.

The second message reads:

"For the purpose of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Council of State and in the Legislative Assembly, namely:—

Thursday, February 18th	...	*Presentation in both Chambers.*
Saturday, February 20th	...	*General discussion in the Council of State.*
Monday, February 22nd	...	*General discussion in the Legislative Assembly.*
Tuesday, February 23rd	...	*Voting of Demands for Grants in the Legislative Assembly.*
Wednesday, February 24th	...	
Thursday, February 25th	...	
Friday, February 26th	...	

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

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 the Session to constitute a Committee on Petitions consisting of a Chairman and four Members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I hereby accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Rai Bahadur Lala Ram Saran Das, and as Members the Honourable Raja Sir Rampal Singh, the Honourable Mr. V. Ramadas Pantulu, the Honourable Mr. Haroon Jaffer, and the Honourable Sir C. Sankaran Nair.

APPOINTMENT OF THE HONOURABLE MR. K. C. ROY TO THE LIBRARY COMMITTEE.

THE HONOURABLE THE PRESIDENT: I have also to announce to the House that I have appointed the Honourable Mr. K. C. Roy to the Library Committee in the vacancy caused by the resignation of Sardar Jogendra Singh from this Council.

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:

The Provident Funds Act, 1925.

The Code of Civil Procedure (Amendment) Act, 1925.

The Religious Endowments (Amendment) Act, 1925.

The Salt Law Amendment Act, 1925.

The Legislative Members Exemption Act, 1925.

The Sikh Gurdwaras (Supplementary) Act, 1925.

The Bamboo Paper Industry (Protection) Act, 1925.

The Indian Carriage of Goods by Sea Act, 1925.

The Opium (Amendment) Act, 1925.

The Provident Funds (Amendment) Act, 1925.

The Indian Penal Code (Amendment) Act, 1925.

The Indian Limitation (Amendment) Act, 1925.

The Coal Grading Board Act, 1925.

The Oudh Courts (Supplementary) Act, 1925.

The Criminal Tribes (Amendment) Act, 1925.

The Cotton Transport (Amendment) Act, 1925.

The Madras, Bengal and Bombay Children (Supplementary) Act, 1925.

The Indian Ports (Amendment) Act, 1925.

The Repealing and Amending Act, 1925.

The Transfer of Property (Amendment) Act, 1925.

The Indian Succession Act, 1925.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE

SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill to define and limit the powers of certain Courts in punishing contempts of courts, and of a Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India which were passed by the Legislative Assembly at its meeting held on the 8th February, 1926.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, I move:

"That this Council do proceed to elect in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 8 members from which the members of the Standing Committee to advise on questions relating to emigration in the Department of Education, Health and Lands, will be nominated."

I take it, Sir, that copies of the Notification which have been quoted herein are already in the hands of Honourable Members, and they would have noticed that under rule 3 a panel is elected by both Houses, and that His Excellency the Viceroy nominates the required number therefrom to the Committee. The last Committee was constituted on the 24th of March, 1925, consisting of 8 Members of the other House and four Members of this House. Under the same rule, Sir, the term of office extends to a period of one year. In the normal course, therefore, the office of these Members would have continued until the 24th of March of this year, but owing to the dissolution of this House last year such of the Members of this House who were members of the Emigration Committee have ceased to be members thereof. We are anxious to secure the full complement of members on the Emigration Committee, as we anticipate that there will be some work for the Committee to discharge in the near future. I have therefore ventured to bring forward this Resolution at the earliest possible opportunity and to ask the House that it do proceed to elect the panel.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: With regard to the motion just adopted by the House, I will at the next meeting of the Council announce the date by which nominations should be handed in and the date on which, if necessary, the election will take place in this Chamber.

RESOLUTION *RE* RATIFICATION OF THE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING WORKMEN'S COMPENSATION FOR OCCUPATIONAL DISEASES.

THE HONOURABLE MR. A. H. LEY (Secretary for Industries and Labour): Sir, I beg to move the following Resolution:

"That this Council having considered the Draft Conventions and Recommendations adopted by the seventh International Labour Conference recommends to the Governor General in Council that he should ratify the Draft Convention concerning workmen's compensation for occupational diseases."

Before, Sir, I come to the details of the Resolution, I should like to make one or two introductory remarks. In the first place, I must explain why it is necessary for me to trouble this Council with this matter. Probably Honourable Members of this Council are fully aware that under Article 405 of the Treaty of Peace, it is necessary for each member of the International Labour Organisation to lay before the competent authority any draft Conventions or Recommendations adopted at an International Labour Conference within a period of one year or, in very special cases, 18 months from the date on which those Draft Conventions or Recommendations were adopted. The " competent authority " in cases which would involve legislative action in connection with the ratification of a Convention or the adoption of a Recommendation is in the case of India of course one or other or both of the Houses of Legislature, and that is my sole reason for troubling the Council with this matter now. The second introductory point to which I would invite the attention of the Council is of a more particular nature. I would ask the Council particularly to examine the precise wording of my Resolution:

" That this Council having considered the Draft Conventions and Recommendations adopted by the seventh International Labour Conference recommends to the Governor General in Council that he should ratify "—

One of them.

The implication of that is of course that there are certain other Draft Conventions which he should not ratify. Possibly I owe the House an apology for having put it in this way. I have done it merely because I think it would be convenient and save the time and trouble of this Council if it were possible to consider all these Draft Conventions and Recommendations passed at the last session of the International Labour Conference as one subject, and to dispose of these rather intricate, and possibly a little dry, subjects at one sitting of this Council. That leads me on, Sir, to one other introductory remark of a more general nature. There are, I think, two more or less opposing points of view, which I think it necessary to take into consideration in considering these Conventions and Recommendations adopted at International Labour Conferences. There are some who hold the view that India is possibly not going fast enough in adopting legislation designed to improve and render more humane the conditions of the working classes. If there are any such in this Council, I only wish to remind them that in point of fact India has done as much as, if not more than, any other member of the International Labour Organisation in ratifying and enforcing Conventions adopted in the past designed to improve the conditions of the working classes. That is, I think, a justifiable source of pride to India, who wishes to take her proper place in advancing the social, economic and spiritual progress of the working classes. But I think it is obvious that it is unwise to advance at a rate with which social conditions and the state of development of labour organisations in this country can hardly keep pace. We must obviously, in considering Conventions and Recommendations of this nature, consider the different social conditions of the country. It is always a dangerous proceeding to pour new wine into old bottles. Then there is another line of criticism—and perhaps this is a more subtle criticism—which thinks that we have gone too far already in legislation of this kind. There are those who urge that we are hampering ourselves in competition with other countries which have not ratified these various Conventions. I think there was a suggestion of that attitude in a question which I answered a few minutes ago in this Council. This is a point of

[Mr. A. H. Ley.]

view which I thoroughly appreciate, though it is one which I think it would be unfortunate to press too far. However, it is fortunately not necessary for me to dilate upon that point any further, because even these critics will, I am sure, agree with me that it is desirable that India should ratify Conventions of this nature designed to render more humane the conditions in which the working classes work, at any rate in cases where they are able to do so without any injury to their own material interests. That in fact is the point of view which I wish to impress upon this Council with regard to the one draft Convention which I ask this Council to ratify.

I now come to these Draft Conventions in detail. I will take first the one which I have suggested to the Council that they should agree that the Government of India should ratify, that is, the Draft Convention relating to workmen's compensation for occupational diseases. I think all Honourable Members have been furnished with a copy of this Bulletin, which gives the Recommendations adopted at the International Labour Conference. The only operative Article in this Draft Convention is Article 2, which gives a list of diseases regarded as occupational diseases and a list of corresponding industries and processes, workers in which, if they contract these diseases, will be entitled to workmen's compensation under the terms of the Workmen's Compensation Act. The first of these is lead poisoning. I do not wish to say anything about this, as Honourable Members are perfectly well aware that it is already provided for in Schedule III of the existing Workmen's Compensation Act and no action is therefore necessary. Then we come to mercurial poisoning. I have been at some pains to try and discover whether in point of fact mercurial poisoning does arise as a result of industrial occupations in this country and I have not found any evidence of it. The disease, if known at all, is extremely rare here. But in any case I think it is obvious that a disease of this kind, if contracted as a result of industrial occupations, is one which should entitle the workmen concerned to the benefits of the Workmen's Compensation Act. In point of fact that does not require any amendment of the Act, because all that is necessary is for the Governor General in Council to issue a Notification under section 3, sub-section (3), adding mercurial poisoning to the list of occupational diseases given in Schedule III to the Act. That will be done if the Council agrees with me that the Convention should be ratified. In fact it was not really necessary to place this matter before them, because it involves no amendment of the law. Then we come to anthrax which is the third of those diseases. The ratification of this Convention will involve a very small amendment of our existing Act and that is why I have to place it before this Council. Honourable Members are perfectly well aware that anthrax is already provided for in sub-section (2) of section 3, which says:

"If a workman employed in any employment involving the handling of wool, hair, bristles, hides or skins contracts the disease of anthrax . . ."

he is entitled to compensation. But it will be necessary to make a small amendment because it will be observed that in the Schedule to Article 2 of this Draft Convention there are certain kinds of work which would entitle the workmen contracting the disease of anthrax to workmen's compensation which are not included in sub-section (2) of section 3 of the Act, namely, work in connection with animals infected with anthrax, handling of animal carcasses or parts of such carcasses, including hides, hoofs and horns, and loading and unloading or transport of merchandise.

Our Act does not include the handling of animal carcasses or the handling of hoofs and horns, and it will therefore involve a very small amendment of the existing Act to give effect to this Convention. I would ask the Council to agree to the Convention being ratified. It is obviously a very small point and no material interest is involved. In point of fact anthrax is a disease which is practically unknown in this country. That is the major portion of my Resolution.

I would like to detain the Council for just a few minutes to run through the other Draft Conventions and Recommendations, which it is necessary for me to do in order to give effect to my Resolution. I will take them as quickly as I can. Firstly, there is the Draft Convention regarding equality of treatment for national and foreign workers as regards workmen's compensation for accidents. That I may say, before I go any further, is a Convention which the Government of India propose to ratify, but it is not necessary technically for me to place it before the Council for the very simple reason that it involves no alteration in our existing law. The Workmen's Compensation Act, as Honourable Members are aware, gives equal treatment for national and foreign workers in the matter of workmen's compensation. I only mention it here for the sake of completeness in dealing with these Draft Conventions and Recommendations as one whole and single subject. Then there remain two other Draft Conventions which, if adopted, would require legislative action and which it is necessary for me to refer to. There is a Draft Convention about night work in bakeries. I ask the Council to agree with me that this Convention is one which it would be quite impossible for the Government of India to ratify. It is, if I may say so, based on conditions prevailing in countries with more moderate climates quite different from India. In European countries the baking industry is an industry of a wholly different nature from what it is in India. I need hardly say that it would in any case be quite impossible to enforce the Conventoin in regard to the number of small bakeries in this country. In the second place, there are of course climatic reasons. It is necessary and is also conducive to the comfort and the health of the petty bakers in this country that they should bake their bread at night. I do not think it is necessary for me to say much on this subject. I only wish to add that the Government of India consulted all the Local Governments on this question before the matter came up at the last session of the International Labour Conference and, as might have been expected, Local Governments were unanimously of opinion that it was a matter which could not apply to India, and therefore it was undesirable to ratify this Convention.

The third Draft Convention is a Draft Convention relating to workmen's compensation for accidents. There are various articles in this Draft Convention which are given in this Bulletin. It will, I think, be clear if Honourable Members will study it that this Draft Convention is really based, if I may say so, on principles which exist in countries where labour organisation is very much more advanced and developed than it is in this country at the present moment. Article 2, for instance, would apply to workmen, employees and apprentices employed in any enterprise, undertaking or establishment of whatsoever nature, whether public or private; subject to certain exceptions in that Article, which however make no difference to my argument. There are various other Articles in this Convention which go a great deal beyond anything which exists in our present Act. Article 6 introduces a change in the waiting period

[Mr. A. H. Ley.]

which is I think undesirable, having regard to the prevailing conditions in this country. Articles 7, 9 and 10 also introduce principles which are foreign to our Compensation Act. The point of view which I wish to impress upon the Council in regard to this matter is that our Workmen's Compensation Act is quite new—it has been in force only for a little over a year—and this Convention will introduce an entirely new principle in Indian legislation, which is obviously undesirable. In fact, it would be quite impracticable at the present moment to undertake a total revision of the Act, which would be necessary if this Convention is ratified. It is obviously desirable to have several years' experience of the working of the existing Act to see how far it has achieved the objects for which it was introduced and also how far there is any real need for a further advance, before we undertake this revision. I think this is all that I have got to say with regard to these Draft Conventions.

As to the Recommendations, only a few words are required. A Recommendation is, of course, different from a Draft Convention; it is, if I may say so, of a less binding character. A Draft Convention has to be accepted *in toto* or rejected. A draft Recommendation is merely a recommendation, as its name implies, which has to be placed before the competent authority for such action as that authority deems necessary. There are only two or three Recommendations and I will take them in the order in which they appear in the bulletin. The first Recommendation relates to the equality of treatment for national and foreign workers as regards workmen's compensation for accidents. There is nothing in this Recommendation which really applies to India, and as I have already indicated our law fully complies with the principle of equality of treatment. Therefore, no specific action is necessary in regard to this Recommendation. Then there are two Recommendations regarding workmen's compensation for accidents. The first is a recommendation regarding the minimum scale of compensation. I do not want to repeat what I have already said on the substantive part of this subject, namely, the Draft Convention. The minimum scale of compensation suggested in this Recommendation is much more liberal than the scales of compensation provided by our existing Workmen's Compensation Act, and it is obviously a recommendation which would necessitate a wholesale revision of our Act, which, as I have already said, is not desirable. Then, the second Recommendation is on Jurisdiction in Disputes on Workmen's Compensation. That is a recommendation which is designed to secure arbitration boards to decide workmen's compensation cases. The Council is well aware that our Act which has only recently been passed appoints a Commissioner for Workmen's Compensation to decide these cases, and I think, whatever may be the merits of this proposal in countries where labour is well educated and well organised, there is nothing to be gained by adopting a system of this character in India at the present moment. Finally, there is a small recommendation regarding occupational diseases which runs as follows:

"Each member of the International Labour Organisation should adopt, where such procedure does not already exist, a simple procedure by which the list of diseases considered occupational in its national legislation may be revised."

I need hardly remind the Council that this is already provided for in our existing Act. It is quite a simple matter. The object can be achieved merely by issuing a Notification under section 3, sub-section (*3*).

I think this is all that I have got to say on this matter. I am afraid, Sir, I have taken rather more time than I had intended on a subject which is somewhat intricate and perhaps not very exciting. I wish the Council, however, to remember that the really important matters are the Draft Conventions. Of the four Draft Conventions, one will in any case be ratified by the Government of India, as it is met under the existing law. One, that relating to occupational diseases, I ask this Council to agree should be ratified. I suggest that this Council should agree with me that the other two relating to night work in bakeries and workmen's compensation should not be ratified in the circumstances prevailing in this country.

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

"That this Council, having considered the Draft Conventions and Recommendations adopted by the seventh International Labour Conference recommends to the Governor General in Council that he should ratify the Draft Convention concerning workmen's compensation for occupational diseases."

The motion was adopted.

RESOLUTION *RE* CONTINUATION OF THE IMPOSITION OF A CUSTOMS DUTY ON LAC.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to move:

"That this Council recommends to the Governor General in Council that he may be pleased to declare that sections 2 to 6 of the Indian Lac Cess Act, 1921 (XIV of 1921), which provide for the imposition of a customs duty on lac exported from British India, shall continue in force until the 31st day of December, 1931."

Sir, I cannot claim for my Resolution such high authority as the Honourable Mr. Ley claimed for his. He spoke on a recommendation passed by the International Labour Conference. I, Sir, am speaking on a recommendation of a much humbler association, namely, the Indian Lac Association. I maintain, however, that the subject with which I have to deal is one of very direct and material economic interest to India. I am not even asking the Council to adopt a new policy nor to undertake to make even a small amendment in an Act which, I understand, will be one of the results of our adopting the previous Resolution. I am only asking the Council to continue to make operative an Act which is already on our Statute-book and which is a very useful and very beneficent Act. This Act was passed in 1921, four and a half years ago, by the first reformed Council. Under it there is permitted the imposition of a small cess on all lac exported from India, the proceeds of which is to be devoted to scientific research and improvement of cultivation of lac both in quantity and quality. Section 7 of this Act, however, reads as follows:

"This Act shall remain in force until the thirty-first day of December, 1926, provided that the Governor General in Council may, on the recommendation of the Lac Association and with the previous consent of the Indian Legislature, declare by notification in the Gazette of India that the said sections shall continue in force for any further period specified in the notification."

We have received a recommendation from the Indian Lac Association to continue the Act, and I am now asking the consent of the Legislature to that course. The cess, as I have said, is a small one. It is a matter

[Mr. D. T. Chadwick.]

of 4 annas a maund on lac and 2 annas a maund on refuse lac exported from India. The present export price of lac is about Rs. 80, therefore the cess is extremely small. At the same time it has yielded a useful income of about one and a third lakhs a year to this Association which is thoroughly representative of all sections and interests in the lac trade. Under the Act these funds are devoted to scientific research and improvement in cultivation of lac. I put it to the Council that if 4½ years ago the case for this lac cess was a strong one, it is much stronger to-day. Our lac exports are worth about 7½ crores a year, and India has always comforted itself that it enjoys a monopoly in lac. That is a very comforting position in which to be, but it is a position which is always a challenge to every other country. Four and a half years ago there was a suggestion that that position of monopoly would be challenged, and to-day that challenge is beginning to materialise. The challenge is coming from two directions, one from the use of synthetic substitutes and the other from Siam. I need not worry the House with details as to the use of this very valuable commodity, lac. In fact it is beyond me to specify every article into which it goes. Some ingenious person always seems to be finding some new use for lac whether in varnishes, electrical machinery or gramophone records, etc. Other ingenious persons are constantly devising substitutes for lac. And so far as synthetic substitutes are concerned we were told by Mr. Lindsay that about ten per cent. of the market for our lac in England has now been lost by competition of synthetic substitutes. These substitutes are not as good as pure lac but they are coming on. On the other side, America and Europe import more and more stick lac from Siam and have improved their methods for purifying and utilising such lac, so much so that while 4 years ago exports from Siam were only 3,000 tons last year they were 5,000, as compared with 25,000 tons from India. There is nothing to get very mournful about in either of those figures, but they are a warning to us, and to India generally, that in the interests of this very important commodity it is most desirable to pay as much attention as possible to improving the quantity and quality of the lac. That is one strong reason for continuing this Act. The other strong reason that I put forward for the consideration of the Council in accepting this Resolution is that after all five years is a very short time in the life of any research institute especially in its initial stage. This Association has utilised its five years to good purpose. It has got over its early difficulties and to-day it is getting to grips with its problems. After consultation with the Local Governments of Bihar and Orissa and of the Central Provinces a site was selected close to Ranchi. Scientific laboratories have been built, also quarters for the staff, and experimental plots have been laid down. The buildings were finished only last September but a scientific staff had already been engaged and been at work for two or three years. I have myself for a time had the good fortune of being a Director of Agriculture, so I am going to be very cautious about prophesying rapid results from experiments, but I do know from that experience, that by continuity in experiment, by working steadily from year to year, you can get very good and very lasting and useful results. Continuity, however, is the first essential. Interruption is fatal to all such classes of work. I understand, however, that by better culture and better manuring of host plants the Research Institute already expect to be able to accelerate the cultivation

of lac. That in itself will help to make much progress in increasing the quantity of the crop. This Institute also works in close touch with the local forest officers. I understand the Forest Department have opened farms for the distribution of lac.

I am perfectly certain that after this very short description of the work in progress and in sight the Council will accept this Resolution. To throw it out will stop this work entirely. To pass it will mean sending a message of encouragement to these people who are working on this task to go forward and prosper. I ask the Council to adopt this Resolution.

THE HONOURABLE MR. J. A. HUBBACK (Bihar and Orissa: Nominated Official): Sir, I rise to support the Resolution moved by the Honourable Mr. Chadwick. This Resolution very closely concerns the province for which I have the honour to be nominated to this Council. It concerns that province, Bihar and Orissa, more closely, I think, than any other province of India, seeing that quite half the lac produced in India comes from Bihar and Orissa. It is for this reason, Sir, that, though I am but a very lately born member of this Council, I dare to address it so soon. The Honourable Mr. Chadwick has already very fully covered the ground of the arguments to be advanced in favour of the Resolution which he has moved, and I do not propose to detain the Council very long with my own remarks. He has indicated that when the Act which we are now considering was under discussion in 1921, India held the practical monopoly of this commodity, and its position was then only just beginning to be threatened. He has explained how those threats have developed in the meantime. It is not surprising that the threats have developed seeing that some fifteen years ago the price of standard shellac was somewhere about Rs. 30 to Rs. 40 a maund. Shortly before 1921 it had risen to the extraordinarily high rate of Rs. 230, and when the Act was actually passed, it stood at about Rs. 130. It has now dropped to Rs. 80, but there is no doubt that the foreign consumer anticipates the possibility of it rising again to the heights it had reached previously, and it should not surprise us, nor can we blame them, that they should look round to replacing it with something cheaper. In 1921, the Indian Legislature was acting on the recommendations of Messrs. Lindsay and Harlow in their report issued very shortly before that. They made two general recommendations. The first was that steps should be taken to guard against the cutting off of supplies, which is a danger arising from the tendency of the cultivator to sell right down even to their brood lac in times of specially attractive prices. The second recommendation was to improve the cultivation and manufacture of the product, so that lower prices could be faced when the need arose without diminishing the reward either to the cultivator or to the manufacturer. The Act which we are considering really dealt with the second object. I may perhaps, however, briefly inform the Council what has been done with regard to the first object. That has been met by the action of the Local Governments in their Forest Departments. In 1921 the Government of Bihar and Orissa had just started one lac farm in the district of Palamau. I am glad to say that the Bihar and Orissa Legislative Council accepted in March 1925 budget provision for a programme of no less than 8 such farms distributed over the whole of the lac producing area. That provision was a matter of about 1 lakh non-recurring and about Rs. 20,000 recurring. The Members of this Council no doubt deal with very much larger figures, and may consider the quoted figures rather insignificant,

[Mr. J. A. Hubback.]

but I may remind them that the Bihar and Orissa Budget, as a whole, is not very much more than 5 crores. It is therefore, Sir, relatively a considerable amount of money that we are spending on this object. I understand that the example of the Government of Bihar and Orissa in this matter is likely in the near future to be followed by private firms who are interested in the supply of lac for manufacturing purposes. Now lac is not the only concern of our Forest Department, and our officers are not by any means all of them, in fact the majority, particularly expert in the matter, and it is therefore that the Government of Bihar and Orissa very strongly supports the continuance of this impost, so that the other line of action—research in the methods of cultivation and manufacture may be prosecuted, and results of importance obtained. That work the Indian Lac Association has taken up. They have now, as the Honourable Mr. Chadwick has explained, opened a Lac Research Institute at Namkum near Ranchi. The actual buildings were formally opened by His Excellency Sir Henry Wheeler in August 1924. In September 1925, the laboratories were fully equipped and in the meantime much progress has been made in the lay-out of the experimental plantations and in other work which will lead up to good results. The Institute is under the direction of a very talented lady who holds high scientific degrees, apart from whom, she being an Englishwoman, the entire staff is Indian, and her principal colleague is a distinguished Indian scientist, Mr. Misra. They have drawn up a programme of considerable extent in which the most important matter at the present moment is a study of the yield and quality of the crop obtained by various methods of cultivation and infection of the host trees. They have not yet, I may say, even visualized the manufacturing problems which await solution. They have attacked their work up to now entirely from the cultivation point of view. I do not wish to trouble the House with details of the lines of research which are being undertaken. But I think it is clear that the Lac Association, in spending about Rs. 4 lakhs on their buildings there and in undertaking a programme of which the recurring cost will be at present at least one lakh, have not been idle in the last 4 years, since they were placed in a position to spend money. When the Act was under debate in another place, the point was raised whether this is not a function which should be properly carried out by Government. It was however decided that it would be wise to place in the hands of the Indian Lac Association, an association of private traders, the funds derived from this cess, and I think it may fairly be said that the Indian Lac Association has fully justified the decision of the Legislature taken in 1921. On the importance of the industry I do not wish to speak at any length. The manufacturers and shippers are able to look after themselves as a rule The lac industry brings a steady source of employment to a number of small artisans who work in the factories. It gives a small income, but not one that they despise, to the superior landholders of the Chota Nagpur plateau, on which most of the lac is grown. But it is to the cultivators, the actual cultivators of the trees, that this industry is of very great importance indeed. These are the aborigines of the Chota Nagpur plateau and its outlying extensions—the Kharwars of Palamau, the Mundas and Oraons of Ranchi, the Hos of Singhbhum, the Sonthals of the Sonthal Parganas, the Bhumij's of Manbhum. It is these people, who are, in the technical phrase generally used, among the backward races of India, and it is to these people that the collapse of the industry would be a matter of very serious import. The lac industry for them supplements the profits of their

agriculture, and it makes in many cases just the difference between a mere subsistence livelihood and a little real comfort. They naturally expect a continuance of a reasonable return for the labour which they expend on cultivating lac, labour which, in order to raise the hot weather lac crop, is carried out, at times, in considerable discomfort during the hot weather. But when I speak of the collapse like the Honourable Mr. Chadwick I do not say for a moment that the collapse is imminent. I have myself seen new plantations in Manbhum recently. I have too heard from various sources that brood lac is sought from a great distance by the inhabitants of the outlying parts of the tract in which it is grown. I may also add that the extension of lac cultivation was specially brought to my notice not very long ago, when I was called upon to decide a difficult point of right between landlord and tenant regarding host trees in a part of the Sonthal Parganas to which lac cultivation has only recently spread. But, as the Honourable Mr. Chadwick has made clear, the position, though not such that we must expect an imminent collapse, is sufficiently serious. I have explained that the Lac Association and the Government of Bihar and Orissa—and I have no doubt other Governments concerned—have taken already such steps as they think advisable to secure to the industry a basis of steady supply with an adequate return to the cultivator working up to prices, at which we can undersell synthetic lac and meet other forms of competition. With this object in view, the Lac Association itself has a few weeks ago unanimously recommended the continuance of this trifling impost of 4 annas on a commodity at present valued at Rs. 80. The Government of India are now asking the Legislature to confirm this recommendation. It would, in my opinion, be most unwise, exceedingly unwise, for this Council to throw away the work done and the expense incurred during the last 4 years and thus jeopardise the future prosperity of this important, and I may add, peculiarly Indian industry.

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

"This Council recommends to the Governor General in Council that he may be pleased to declare that sections 2 and 6 of the Indian Lac Cess Act, 1921 (XIV of 1921), which provide for the imposition of a customs duty on lac exported from British India, shall continue in force until the 31st day of December, 1931."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: Can the Honourable the Leader of the House give the Council any information as to the future course of business?

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, to-morrow being a holiday I understand that the Council will not meet again till Monday next. Monday and Wednesday in next week are non-official days and the business ballotted for those days has already been communicated to Honourable Members. On Tuesday, the 16th, motions will be made for the consideration and passing of

[Sir Muhammad Habibullah.]

three of the Bills which were laid on the table at the opening meeting, namely:

the Small Cause Courts (Attachment of Immoveable Property) Bill;

the Guardians and Wards (Amendment) Bill; and

the Government Trading Taxation Bill,

and similar motions will be made with regard to the Trade Unions Bill which was laid on the table to-day.

On Thursday, the 18th, the presentation of the Railway Budget will be followed by similar motions in respect of two of the remaining Bills laid on the table at the opening meeting, namely:

the Code of Criminal Procedure (Amendment) Bill, and

the Indian Lunacy (Amendment) Bill.

Honourable Members have heard His Excellency the Governor General's Message allotting Saturday, the 20th, for the discussion of the Railway Budget. No other business will be taken on that day.

The Contempt of Courts Bill will be proceeded with on Tuesday, the 23rd February.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-official): Sir, on a point of order, might I suggest to the Honourable the Leader of the House that he ought to give us more time to consider the Contempt of Courts Bill. The Legislative Assembly was given almost a year to settle it.

THE HONOURABLE THE PRESIDENT: I have no doubt that Government will bear in mind what the Honourable Member has said. In the meantime I would advise him to occupy his spare time in studying the Bill. There is nearly a fortnight before him now.

The Council then adjourned till Eleven of the Clock on Monday, the 15th February, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

MONDAY, 15th FEBRUARY, 1926

Vol. **VII**—No. **3**

OFFICIAL REPORT

CONTENTS

Members Sworn.

Questions and Answers.

Election to the panel of the Standing Committee on Emigration.

Bills passed by the Legislative Assembly—Laid on the Table.

Resolution *re* the Royal Commission on Agriculture—Adopted.

Resolution *re*—Reduction of the travelling and daily allowances of the Members of the Council of State—Discussion postponed *sine die*.

Statement of Business.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Monday, 15th February, 1926.

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

MEMBERS SWORN.

The Honourable Raja Sir Rampal Singh, K.C.I.E. (United Provinces Central: Non-Muhammadan); the Honourable Mr. Manmohandas Ramji Vora (Bombay: Non-Muhammadan); the Honourable Mr. Phiroze C. Sethna, O.B.E. (Bombay: Non-Muhammadan); the Honourable Major Nawab Mahomed Akbar Khan, C.I.E. (North-West Frontier Province: Nominated Non-Official); and the Honourable Mr. Ratansi D. Morarji (Bombay: Non-Muhammadan).

QUESTIONS AND ANSWERS.

AMENDED RESOLUTION ADOPTED BY THE LEGISLATIVE ASSEMBLY REGARDING THE RECOMMENDATIONS OF THE REFORMS INQUIRY COMMITTEE.

53. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what action they have taken on the amended Resolution adopted by the Legislative Assembly, regarding the recommendations of the Reforms Inquiry Committee, on 8th September, 1925?

APPOINTMENT OF A ROYAL COMMISSION TO INVESTIGATE THE WORKING OF THE MONTAGU-CHELMSFORD REFORMS.

54. THE HONOURABLE MR. PHIROZE C. SETHNA: Is it a fact that His Majesty's Government have decided on sending a Royal Commission to India to investigate the working of the Montagu-Chelmsford Reforms and to report on changes considered necessary?

THE HONOURABLE MR. J. CRERAR: I propose, if the Honourable Member has no objection, to answer his questions Nos. 53 and 54 together. The matters referred to in these two questions will arise in the course of debate on the Resolution of which the Honourable Member has given notice. He will doubtless agree with me that it is undesirable at this stage to anticipate the course of debate.

NUMBER OF VOTERS IN EACH CONSTITUENCY OF THE COUNCIL OF STATE WHO VOTED AT THE LAST GENERAL ELECTION.

55. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to lay on the table a statement showing:

(*a*) the number of voters in each constituency of the Council of State; and

(*b*) the number of voters who did vote in each such constituency at the last general election?

THE HONOURABLE MR. J. CRERAR: (*a*) and (*b*). A return giving the information asked for by the Honourable Member is under preparation. A copy of it will be placed in the Library of this House in due course.

REVISION OF LAND REVENUE ASSESSMENTS.

56. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to lay on the table a statement showing what action each Provincial Government has taken to give effect to the recommendation of the Joint Parliamentary Committee of the Government of India Bill, 1919, that the process of revising land revenue assessments should be brought under closer regulation by Statute?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Legislation on the subject has been initiated in the Punjab, Central Provinces and Berar, and Assam; a draft Bill has been published by the Government of the United Provinces. The matter is still under consideration elsewhere.

THE HONOURABLE MR. PHIROZE C. SETHNA: Is there any probable date when the work will be taken in hand by the remaining provinces?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: They have applied themselves to that task already, and it is hoped that they will do it very soon.

ADMISSION OF INDIAN STUDENTS IN ENGLAND INTO THE UNIVERSITY OFFICERS' TRAINING CORPS.

57. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) With regard to question No. 55 asked on 1st September 1925, in the Council of State, regarding the removal of the disability against Indian students in England to enter the University Officers' Training Corps, and the reply given thereto, will Government be pleased to state whether they have received a reply from the Secretary of State to their despatch on the subject?

(*b*) If not, have they again written to the Secretary of State requesting him to expedite the matter?

(*c*) If a reply is received, will it be placed on the table?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) and (*b*). The answer is in the negative; and (*c*) does not therefore arise.

INDIANISATION OF THE STAFF OF THE HIGH COMMISSIONER FOR INDIA.

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

(*a*) what action has been taken on the Resolution, regarding Indianisation of the staff of the High Commissioner for India, adopted by this Council on 8th September 1925; and

(*b*) if any progress has been made in the Indianising of the higher staff and establishment of the High Commissioner since the adoption of the Resolution and, if so, the details thereof?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) A copy of the debates and Resolution were forwarded to the High Commissioner last September. He was requested to follow the principle involved in the Resolution and that, consistently with economy and efficiency, opportunities should be taken to employ more Indians on his staff.

(*b*) The Government are not aware that any opportunities have occurred recently for action in this direction, but the Government of India have reason to know that the High Commissioner is bearing this principle in mind.

REDUCTION OF RAILWAY RATES AND FARES.

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

(*a*) what was the maximum increase on the pre-war rate in the railway rates and fares in the United Kingdom;

(*b*) when were the rates reduced after the war and to what extent;

(*c*) what has been the rise in the railway rates and fares in India since 1912-13;

(*d*) how does the proposed reduction in the third class passenger rates of the Great Indian Peninsula and the North Western Railways compare with the rate of reduction in the United Kingdom; and

(*e*) when do Government propose to secure similar reductions on the other railway systems in the country?

THE HONOURABLE MR. D. T. CHADWICK: (*a*), (*b*), (*c*) and (*d*). I take 100 as representing pre-war goods rates and passenger fares in both countries. On that basis goods rates and passenger fares in August, 1921, in the United Kingdom would be represented by 212 and 175. Since August, 1921, these have been reduced in the United Kingdom to 150 in each case. In India the highest post-war figures for goods rates on different railways varied between 115 and 125, and for passenger fares, 150. The reductions now applied by the Great Indian Peninsula and the North Western Railways will bring the last figure down to 132 and 129, respectively.

(*e*) Passenger fares are being reduced on most Railways in India.

THE HONOURABLE MR. PHIROZE C. SETHNA: Most, not all?

THE HONOURABLE MR. D. T. CHADWICK: I would not like to say offhand all. But the Honourable Member will see a very complete statement in the Appendix to the proceedings of the Standing Finance Committee of the Railways, which was published three or four weeks ago.

PREPARATION BY THE RAILWAY BOARD OF A PROGRAMME FOR THE REDUCTION OF FREIGHT CHARGES.

60. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government state if the Railway Board has prepared any programme for the reduction of freight charges and if any communications to that effect have taken place between the Board and the Railway administrations? If so, will Government be pleased to lay them on the table?

THE HONOURABLE MR. D. T. CHADWICK: I would suggest that the Honourable Member should kindly await the Explanatory Memorandum of the Railway Budget for the year 1926-27 which will be presented to this House shortly.

THE HONOURABLE MR. PHIROZE C. SETHNA: 1925-26?

THE HONOURABLE MR. D. T. CHADWICK: I am afraid the Honourable Member has not caught my meaning. I have asked the Honourable Member to wait for an answer to his question till the presentation of the Railway Budget, which will take place this week, *i.e.*, the Budget for next year.

RECRUITMENT TO THE INDIAN POLICE FOR THE LAST TEN YEARS.

61. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state:

(*a*) what supervision they exercise over the recruitment in the police service for the subordinate grade and also the superior grade in the different provinces in the country;

(*b*) if recruitment for the police service for superior grades is continuing in the United Kingdom; and

(*c*) the figures of the recruitment in the superior police service of Indians and Europeans during the last ten years?

THE HONOURABLE MR. J. CRERAR: (*a*) The Government of India exercise no supervision over recruitment to the provincial and subordinate police services. Appointments to the Indian (Imperial) Police Service, on the other hand, are made by the Secretary of State in Council and all recruitment to that service is under his supervision.

(*b*) Recruitment to the Indian (Imperial) Police Service is still made in England as well as in India.

(*c*) Since 1916, 257 Europeans and 113 Indians have been appointed to the Indian (Imperial) Police Service.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: In this connection may I ask when the proposed Public Services Commission is likely to be constituted?

THE HONOURABLE MR. J. CRERAR: I venture to suggest that that hardly arises out of my reply.

THE HONOURABLE THE PRESIDENT: I think the Honourable Member had better put a substantive question of his own on that point.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: In this connection, Sir, may I ask when the proposed Public Services Commission is likely to be constituted?

THE HONOURABLE THE PRESIDENT: I think the Honourable Member had better give notice of a substantive question of his own: it hardly arises out of the answer given.

RUPEE TENDERS FOR STORES.

62. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what progress has been made in the adoption of the system of the rupee tender for delivery in India for Government purchases?

THE HONOURABLE MR. A. H. LEY: The Honourable Member is referred to the reply given by me to question No. 16 by the Honourable Rai Bahadur Lala Ram Saran Das on the same subject.

ESTABLISHMENT OF A TRAINING SHIP IN INDIAN WATERS.

63. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what progress has been made in the establishment of a training ship as the result of the Report of the Mercantile Marine Committee?

THE HONOURABLE MR. D. T. CHADWICK: An expert came out from England in December last to advise about the establishment of a training ship in Indian waters. He has submitted his report, which is at present under consideration.

THE HONOURABLE MR. PHIROZE C. SETHNA: How soon do Government expect to make public this report?

THE HONOURABLE MR. D. T. CHADWICK: They hope to make it public shortly, I believe; very shortly indeed.

THE HONOURABLE MR. PHIROZE C. SETHNA: May I know what shortly means?

THE HONOURABLE MR. D. T. CHADWICK: Yes, Sir; very shortly.

INTERIM REPORT OF THE INDIAN DEPUTATION TO SOUTH AFRICA.

64. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government please state:

(*a*) if they have received any *ad interim* report from the deputation to South Africa; and

(*b*) if so, will Government be pleased to lay the papers on the table or to make a statement on the subject?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (*a*) Yes.

(*b*) As the conclusions contained therein are provisional, Government are not prepared to lay it on the table of the House at present or to make a statement on the subject.

THE HONOURABLE MR. V. RAMADAS PANTULU: Is it a fact that the delegation could not find accommodation in any hotel on account of racial prejudice and that therefore private accommodation had to be arranged for them?

THE HONOURABLE THE PRESIDENT: I doubt if the report of the deputation is likely to contain anything on that matter. The Honourable Member, I would suggest again, should ask a substantive question on that point.

PURCHASE OF STATIONERY FOR GOVERNMENT OFFICES.

65. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Will Government be pleased to state whether the purchase of stationery for Government offices is at present being done by open tender?

(*b*) From how many firms these tenders were received last year?

(*c*) What is the country of origin of the goods purchased?

THE HONOURABLE MR. A. H. LEY: (*a*) Yes.

(*b*) 110.

(*c*) India and the United Kingdom.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: May I know whether the indent on foreign countries is decreasing every year?

THE HONOURABLE MR. A. H. LEY: For stationery?

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Yes.

THE HONOURABLE MR. A. H. LEY: I am afraid I shall have to ask for notice of that question because I cannot remember the precise figures at the moment. In point of fact in 1924-25, which is the last year for which I have figures, the indent on England for paper amounted to 3 lakhs and in India to 28 lakhs. If my recollection is correct, the proportion purchased in India is going up year by year.

PROGRAMME OF THE TARIFF BOARD FOR THE NEXT SIX MONTHS.

66. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state the programme of the Tariff Board for the next six months?

THE HONOURABLE MR. D. T. CHADWICK: The Board are at present occupied with the inquiries mentioned in the two Commerce Department Resolutions of 28th March and that of 30th September, 1925, which were published in the Gazette of India. It is proposed, as soon as possible after 1st April next, to refer to them the inquiry required under section 6 of the Steel Industry (Protection) Act.

DATE OF THE NEXT STATUTORY STEEL INQUIRY.

67. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state how early during the official year 1926-27 they propose to ask the Tariff Board to sit in inquiry in the matter of protection to the Indian steel industry and branches of the allied trade in anticipation of the expiry of the Indian Steel Industry Protection Act?

THE HONOURABLE MR. D. T. CHADWICK: It is not possible to give an approximate date. But the Government propose to refer the matter to the Board as soon as possible after the commencement of the next financial year.

POLITICAL SIGNIFICANCE ATTACHING TO THE VISIT TO INDIA OF SIR JOHN SIMON, LORD INCHCAPE, ETC.

68. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state if there was any political significance in the recent visit to India of Sir John Simon, Lord Inchcape, Mr. Ramsay Macdonald, Sir William Bull and Sir Warren Chilcott?

THE HONOURABLE MR. J. CRERAR: Government do not attach any such significance to the visits.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Did any of these gentlemen come to India on the invitation of the Government

THE HONOURABLE MR. J. CRERAR: No, Sir.

ESTABLISHMENT OF A RATES ADVISORY COMMITTEE.

69. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) What is the present position with regard to the Rates Tribunal?

(*b*) Are the Government aware that there is considerable discontent in the country at the delay in the carrying out of this recommendation of the Acworth Committee?

(*c*) Will they state when the technical difficulties felt hitherto will be overcome?

THE HONOURABLE MR. D. T. CHADWICK: A Rates Advisory Committee will be set up shortly and its functions will be to investigate and report to the Government of India on the following subjects:

(1) Complaints of undue preference (section 42 (*2*) of the Indian Railways Act, 1890);

(2) Complaints that rates are unreasonable in themselves;

(3) Complaints or disputes in respect of terminals (section 46 of the Railways Act);

(4) The reasonableness or otherwise of any conditions as to the packing of articles specially liable to damage in transit or liable to cause damage to other merchandise;

(5) Complaints in respect of conditions as to packing attached to a rate; and

(6) Complaints that railway companies do not fulfil their obligations to provide reasonable facilities under section 42(*3*) of the Railways Act.

The personnel of the Committee is now under consideration and it is hoped that the Committee will commence their duties at an early date.

THE HONOURABLE MR. PHIROZE C. SETHNA: Will the Government be pleased to state why a Railway Advisory Committee has been appointed and not a Rates Tribunal as suggested by the Acworth Committee?

THE HONOURABLE MR. D. T. CHADWICK: I believe, Sir, that the Honourable Member will find an answer to that question in the speech of the Honourable the Commerce and Railway Member on the Railway Debate of last year.

ROYAL COMMISSION ON REFORMS.

70. THE HONOURABLE MR. PHIROZE C. SETHNA: (1) Has a decision been taken on the questions:

(*a*) whether the Royal Commission on Reforms is going to be instituted earlier than 1929; and

(*b*) whether amongst other subjects of inquiry before this Commission, the question of eliminating the control of the Secretary of State over rules of stores purchase will be included?

(2) If the reply to (1) (*a*) is in the negative, will Government be pleased to state whether this item, namely, the question of control of the Secretary of State over stores purchase for Government and public bodies, will be dealt with piecemeal by negotiation?

THE HONOURABLE MR. J. CRERAR: 1. (*a*) The Honourable the Home Member will deal with this matter in the course of debate on the Resolution of which the Honourable Member has given notice.

(*b*) The general scope of the Commission's inquiry is indicated in section 84A of the Government of India Act. I am not aware what the specific terms of reference will be.

2. Does not arise, but I am able to inform the Honourable Member that the matter is receiving separate consideration.

LOCOMOTIVES FOR STATE RAILWAYS.

71. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to give:

(*a*) the number of locomotives which were ordered for the Indian State Railways during each of the following years, namely, 1920-21 to 1925-26; and

(*b*) the number of locomotives which will be required during the next five years according to the five-year programmes of various railways, which are in the hands of the Railway Board?

THE HONOURABLE MR. D. T. CHADWICK: A statement giving the information for all class I programme railways, which is presumably what is required by the Honourable Member, is placed on the table.

Locomotives.

	(*a*)						(*b*)				
	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.
Broad Gauge .	553	71	156	165	118	206	90	70	62	91	129
Metre Gauge .	316	42	78	30	44	41	63	82	51	61	28

N.B.—The figures for 1920-21 include arrears carried forward from war period.

STANDARD TYPE OF LOCOMOTIVES FOR INDIA.

72. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state:

(*a*) if final agreement has been reached with regard to the standard type of locomotives for India;

(*b*) if such an agreement has been reached, how many locomotives of this type have been ordered; and

(*c*) whether it was the intention in making a standard type to eliminate a variety of types and to secure the largest number of this type in India?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) and (*b*). No. Provisional conclusions have been reached and 89 engines of eight different types are being ordered to test their suitability.

(*c*) The object of standardization is to try to reduce the number of types in use.

FURTHER REPRESENTATION FROM THE BOMBAY MILLOWNERS ASSOCIATION REGARDING PROTECTION FOR THE COTTON INDUSTRY.

73. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state:

(*a*) whether they have received any further representation from the Bombay Millowners' Association since the interview of the Association's deputation with His Excellency the Viceroy asking for protection in any direction apart from the repeal of the excise duty; and

(*b*) if so, what reply Government have vouchsafed?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) No, Sir.

(*b*) Does not arise.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: In connection with the abolition of the cotton excise duty, are the Government aware of the press telegram which appeared in the papers to the effect that the Japanese Government intend raising the duty on pig iron?

THE HONOURABLE MR. D. T. CHADWICK: I have seen that telegram and seen it contradicted by another telegram, and I have seen it asserted a second time and again contradicted.

INTERIM REPORT OF THE ROYAL COMMISSION ON CURRENCY.

74. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state if any *ad interim* report has been received or has been called for from the Royal Commission on Indian currency and exchange?

THE HONOURABLE MR. A. C. McWATTERS: The answer is in the negative to both parts of the question.

ACTION TAKEN ON THE REPORT OF THE EXTERNAL CAPITAL COMMITTEE.

75. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state what action they propose to take with regard to the report of the Blackett Committee on External Capital?

THE HONOURABLE MR. A. C. McWATTERS: The Government have consulted Provincial Governments and have also addressed the authorities of the Imperial Bank on a number of points. The further action must await the receipt of replies to those communications.

THE HONOURABLE MR. PHIROZE C. SETHNA: Have not the local banks and the exchange banks been consulted?

THE HONOURABLE MR. A. C. McWATTERS: We have not definitely addressed the local banks and the exchange banks at this stage, but they will certainly be consulted either through the Local Governments or otherwise before any decisions are arrived at.

REPORT OF THE TAXATION INQUIRY COMMITTEE.

76. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Will Government be pleased to lay on the table Volume I of the Report of the Taxation Inquiry Committee?

(*b*) Is any action going to be taken on the Report of this Committee before this House has an opportunity of discussing the main recommendations?

(*c*) Are any changes going to be introduced in the forthcoming budget as the result of the report of this Committee?

THE HONOURABLE MR. A. C. McWATTERS: (*a*) It is expected that the Report will be published in a few days.

(*b*) and (*c*) I would invite the Honourable Member's attention to paragraph 9 of the Finance Department Resolution announcing the formation of the Committee which stated that before any action is taken on the Report, opportunity will be taken to have a full consultation with the representatives of public opinion and the Legislature.

ADOPTION OF ALL-INDIA LEGISLATION ON THE LINES OF THE BOMBAY SECURITIES CONTRACTS CONTROL ACT.

77. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Will Government be pleased to state whether any legislation exists in any other province on the lines of the Bombay Securities Contracts Control Act?

(*b*) Do Government propose to institute all-India legislation on the subject?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) No such legislation exists.

(*b*) Government as at present advised have no such intention.

PURCHASE OF LAND FOR MILITARY PURPOSES IN BOMBAY.

78. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Has the attention of Government been drawn to the report of the Financial Sub-Committee of the Special Committee instituted by the Government of Bombay for looking into the activities of the Development Department, particularly with reference to the Back Bay reclamation?

(*b*) In view of the facts brought together in the majority and minority Sub-Committee's report, will Government be pleased to state whether they propose to take any action with regard to the purchase of military land?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) Government have seen certain newspaper accounts of the matter.

(*b*) The Government of India do not at present contemplate any change of plan on their part in regard to this question. The position is that the land if purchased is to be paid for with the proceeds of military properties which are available for sale but have not yet been sold, while the land to be purchased is itself not yet in being.

THE HONOURABLE MR. PHIROZE C. SETHNA: As at present arranged, will the military land be sold to the Government of Bombay if it is decided that the portion of the reclamation which was to be set aside for military purposes is not to be reclaimed.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: That, I think, is the intention at present, but we have no detailed information whatever from the Bombay Government on the subject beyond what we see in the papers.

LOAN PROGRAMMES OF PROVINCIAL GOVERNMENTS.

79. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state:

(*a*) what supervision they have imposed on the Provincial Governments on the loans which they have taken from the Government of India particularly under the heading of development; and

(*b*) whether they propose to introduce legislation or to issue an executive order for securing the proper sanction of Provincial Councils to the loan programmes submitted to the Government of India by Provincial Governments?

THE HONOURABLE MR. A. C. McWATTERS: (*a*) I would invite the Honourable Member's attention to the Finance Department Resolution No. D.-1250-F., dated the 25th March, 1925, which was published in the Gazette of India.

(*b*) The reply is in the negative.

The Honourable Member is no doubt aware that the expenditure to be incurred out of borrowed money comes under the scrutiny of the Legislature when the proposals of the Local Government for the appropriation of provincial revenues and other moneys in any year is, as prescribed in section 72D of the Government of India Act, submitted to the vote of the Council in the form of Demands for Grants.

EXPORT DUTY ON RUBBER.

80. THE HONOURABLE MR. PHIROZE C. SETHNA: Have Government considered the advisability of imposing an export duty on rubber as a means of additional revenue?

THE HONOURABLE MR. D. T. CHADWICK: No, Sir. I would refer the Honourable Member to Chapter XI of the Report of the Fiscal Commission where the effect of export duties is discussed and in particular to the principles laid down in section 182 of that Chapter.

RECEIPTS UNDER INCOME-TAX FOR THE BOMBAY CITY.

81. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state the figures of the receipt of income-tax from Bombay city, month by month, for each of the years 1921-22 to 1924-25 and for as many months as may be available for the year 1925-26?

THE HONOURABLE MR. A. C. McWATTERS: Statements giving the information for the years 1921-22 to 1924-25 are laid on the table. Figures cannot be given at present for 1925-26.

Statement showing receipts under Income-tax for the Bombay City for the year 1921-22.

Month.	Gross collection under Income-tax.	Gross collection under Super-tax.
	Rs.	Rs.
April	20,99,767	24,12,447
May	16,04,670	4,61,994
June	15,54,339	7,48,919
July	23,21,316	12,37,861
August	43,22,689	22,92,392
September	50,96,595	34,99,278
October	33,89,258	22,65,523
November	37,87,836	33,98,739
December	41,82,498	29,09,669
January	51,85,087	38,94,752
February	36,89,439	31,59,082
March	55,66,630	57,53,418
Total	4,28,60,123	3,20,34,074
Less Refunds and Adjustments for the year	48,89,953	33,13,380
	3,79,10,170	2,87,20,694

Statement showing receipts under Income-tax for the Bombay City for the year 1922-23.

Month.	Gross collection under Income-tax.	Gross collection under Super-tax.
	Rs.	Rs.
April	13,59,096	15,31,353
May	20,93,364	13,55,650
June	20,61,648	12,54,967
July	16,96,603	14,60,637
August	23,23,713	13,34,326
September	23,14,725	11,97,780
October	42,77,050	21,36,179
November	94,01,599	53,47,915
December	60,63,899	45,31,669
January	35,19,495	33,92,777
February	36,78,385	29,74,729
March	42,17,756	32,47,785
Total	4,29,97,333	2,97,65,767
Less Refunds and Adjustments for the year	84,87,635	44,99,983
	3,45,09,698	2,52,65,784

Statement showing receipts under Income-tax for the Bombay City for the year 1923-24.

Month.	Gross collection under Income-tax.	Gross collection under Super-tax.
	Rs.	Rs.
April	15,77,075	7,78,258
May	15,22,126	3,25,239
June	13,35,713	7,70,359
July	8,62,804	2,31,813
August	18,22,811	6,37,809
September	27,46,977	12,61,382
October	25,51,439	11,71,142
November	30,06,135	11,89,980
December	41,92,498	22,51,865
January	32,98,118	18,04,090
February	26,43,464	20,12,292
March	37,36,976	39,85,448
Total	2,92,96,136	1,64,19,677
Less Refunds and Adjustments for the year	43,32,208	17,94,420
	2,49,63,928	1,46,25,257

Statement showing receipts under Income-tax for the Bombay City for the year 1924-25.

Month.	Gross collection under Income-tax.	Gross collection under Super-tax.
	Rs.	Rs.
April	13,79,782	12,81,526
May	5,52,046	1,13,098
June	7,52,686	1,44,986
July	19,18,502	11,29,391
August	20,79,585	13,03,626
September	20,08,232	6,49,962
October	24,58,589	8,92,394
November	18,12,520	6,58,324
December	20,29,937	5,25,609
January	26,34,082	12,82,723
February	17,61,825	11,79,510
March	20,97,206	20,74,599
Total	2,14,84,992	1,12,35,748
Less Refunds and Adjustments for the year	23,19,287	3,22,661
	1,91,65,705	1,09,13,087

R.10..NO.

FALLING OFF IN CUSTOMS REVENUE IN THE BOMBAY PRESIDENCY ON CHEMICALS AND MILL STORES USED BY THE TEXTILE INDUSTRY.

82. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Has there been any falling off in customs revenue in the Bombay Presidency on chemicals and mill stores used by the textile industry?

(*b*) If so, will Government be pleased to indicate in round sums the loss to revenue during the last two years for which accounts are available?

THE HONOURABLE MR. A. C. McWATTERS: (*a*) No, so far as can be ascertained from the figures available.

(*b*) Does not arise.

ABOLITION OF THE STAMP DUTY ON CHEQUES.

83. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state whether they have considered the abolition of the stamp duty on cheques in connection with the Report of the Blackett Committee on the proposed development of banking resources of the country?

THE HONOURABLE MR. A. C. McWATTERS: The reply is in the negative, but the matter will receive further consideration in connection with the action to be taken on the Report.

SUBJECTS DISCUSSED AT THE FINANCE MEMBERS' CONFERENCE HELD IN NOVEMBER, 1925.

84. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state:

(*a*) what was the agenda of the Finance Members' Conference which met last November;

(*b*) what resolutions, if any, were passed;

(*c*) on what subjects common understanding was reached; and

(*d*) what were the other topics left over for next year's discussion?

THE HONOURABLE MR. A. C. McWATTERS: I would invite the Honourable Member's attention to the reply given by me a few days ago to a similar question by the Honourable Mr. Haroon Jaffer.

THE HONOURABLE MR. V. RAMADAS PANTULU: Will Government be pleased to consider the desirability of admitting members of the Standing Finance Committee to this Conference in the future?

THE HONOURABLE MR. A. C. McWATTERS: I think, Sir, that it is very unlikely that this suggestion could be adopted, because this Conference is a purely informal conference for interchange of views between representatives of the provinces and of the Government of India. It does not take the place in any way of official communications with the provinces.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Was any question raised in the Conference by the Madras member in respect of the remission of provincial contributions, and what was the decision arrived at?

THE HONOURABLE MR. A. C. McWATTERS: The proceedings, as I have explained, are not public and I cannot answer that question.

TRANSFER OF WORK DONE BY THE BANK OF ENGLAND ON BEHALF OF THE SECRETARY OF STATE FOR INDIA TO THE BRANCH OF THE IMPERIAL BANK OF INDIA IN LONDON.

85. THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state:

(*a*) in what directions contracts for different purposes between the Bank of England and the Secretary of State have been modified after the opening of a branch of the Imperial Bank of India in London; and

(*b*) is there any item of work which the Bank of England is now doing which cannot be done by the Imperial Bank of India, London, for the Government of India? If so, what and why?

THE HONOURABLE MR. A. C. McWATTERS: (*a*) The management of India Rupee Loans and the accounts of the High Commissioner have been transferred from the Bank of England to the Imperial Bank of India.

(*b*) The Bank of England does also at present the work in connection with the manufacture of Indian Currency notes and acts as the banker of the Secretary of State. As the Honourable Member is aware, it is hoped that the former work will be transferred to India in the not distant future; as regards the latter, I invite the attention of the Honourable Member to sections 23 to 25 of the Government of India Act.

BROKERAGE PAID IN LONDON BY THE SECRETARY OF STATE FOR INDIA ON HIS FINANCIAL OPERATIONS.

86. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) In the last twelve months, for which complete accounts are available, will Government be pleased to state what amount of brokerage has been paid by the Secretary of State in London on his financial operations?

(*b*) Is there a recognised broker to the Secretary of State?

(*c*) Do Government anticipate any saving of these brokerage charges by working through the London branch of the Imperial Bank of India?

THE HONOURABLE MR. A. C. McWATTERS: (*a*) The brokerage paid in 1924-25 amounted to £11,328-11-9.

(*b*) The reply is in the affirmative.

(*c*) The question is, I think, hypothetical. The work for which these brokerage payments were made cannot be transferred to the Imperial Bank without an alteration in the constitution, though changes in the procedure might of course reduce its volume. The subject is of course closely connected with the matters now under the consideration of the Royal Commission on Currency.

THE HONOURABLE MR. PHIROZE C. SETHNA: Has the amount of £11,000 odd, as stated by the Honourable Member, been paid to one firm of brokers or more than one firm, and, if so, to how many?

THE HONOURABLE MR. A. C. McWATTERS: I believe the India Office brokers are Messrs. Nivison & Co. I think there is only one firm.

THE BAWLA MURDER CASE.

87. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Has the attention of Government been drawn to the opinion expressed by the Honourable Mr. Justice Crump of the Bombay High Court in his charge to the Jury in the Bawla murder case:

"It is possible, whoever the assailants were, that there were persons behind them who we cannot precisely indicate.....There may be other persons who were interested in kidnapping Mumtaz. We know nothing of them. Indeed we know from the accused themselves that there was a wish to take her back to Indore.....when you consider the materials placed before you, they indicate that Indore is the place from where this attack emanated."?

(*b*) Are Government taking any steps to bring to justice the persons referred to by the learned Judge as being behind the accused?

(*c*) If not, why not?

THE HONOURABLE MR. J. CRERAR: (*a*) Yes.

(*b*) I am unable to add to the information which has already been made public.

(*c*) Does not arise.

DISCONTINUANCE OF THE ISSUE OF PASSPORTS.

88. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Has the attention of Government been drawn to a leaderette in the *Times of India* of January 11th headed "Passports"?

(*b*) Do Government propose to take any action in the matter of discontinuing the issue of passports?

THE HONOURABLE MR. J. P. THOMPSON: (*a*) Yes.

(*b*) No.

THE HONOURABLE MR. PHIROZE C. SETHNA: Is the reply to (*b*) "No", because it has to do with some International Conventions or because of some similar reason?

THE HONOURABLE MR. J. P. THOMPSON: If the Honourable Member wishes to have any more detailed information on this delicate question, I shall be obliged if he will put his question in writing and give due notice of it.

EXPENDITURE ON THE COLLECTION AND SUPPLY OF AERIAL INFORMATION BY THE METEOROLOGICAL DEPARTMENT TO THE ROYAL AIR FORCE.

89. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Will Government state if it is a fact that a considerable amount of money has recently been spent by the Meteorological Department on the collection and supply of aerial information to the Royal Air Force?

(*b*) Has the obligation of the Department to perform this special work in any way hindered its researches and general services for the benefit of agriculture?

THE HONOURABLE MR. A. H. LEY: (*a*) The amount provided in the current financial year for the purpose is Rs. 21,800, of which Rs. 7,600 is

non-recurring. Owing to some delay in the introduction of the scheme the actual expenditure is likely to be less.

(*b*) No. On the contrary the information collected for the Royal Air Force is of considerable value to the Meteorological Department, for general purposes.

PROVISION OF ADDITIONAL FUNDS FOR THE DEVELOPMENT OF DISCOVERIES AFFECTING THE FORECASTING OF RAINFALL IN INDIA.

90. THE HONOURABLE MR. PHIROZE C. SETHNA: (*a*) Has the attention of Government been drawn to the statement in the latest Administration Report of their Meteorological Department that it has in recent years made important discoveries affecting the forecasting of rainfall in India?

(*b*) Is it a fact that the development of these discoveries is hampered by the lack of funds?

(*c*) Will Government be pleased to state what steps they propose to take to develop these discoveries and whether they will, in the forthcoming Budget, allot additional funds for such development?

THE HONOURABLE MR. A. H. LEY: (*a*) and (*b*). Yes.

(*c*) Government have under their consideration proposals for the increase of the superior staff of the Department and for the removal of its headquarters from Simla to Poona. Necessary steps are being taken to provide additional funds for both schemes in the Budget of the Department for the year 1926-27.

RESTORATION OF THE THROUGH FIRST AND SECOND CLASS COMPOSITE BOGIE BETWEEN HOWRAH AND LAHORE.

91. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state when they intend to restore the through running of a first and second class composite bogie between Howrah and Lahore?

THE HONOURABLE MR. D. T. CHADWICK: A copy of the question will be sent to the Agents concerned in order that the suggestion may be brought to their notice, but the Government cannot say whether it can be accepted and they do not propose to issue formal orders on the subject. The Honourable Member might get the question raised in the Agents' Local Advisory Committees.

SAVINGS EFFECTED AND INCREASE IN EFFICIENCY OBTAINED BY THE INTRODUCTION OF THE DIVISIONAL SYSTEM ON STATE RAILWAYS.

92. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (*a*) Will the Government kindly state what financial saving has been effected and what increase in efficiency obtained by the introduction of the Divisional System on each of the State Railways?

(*b*) What was the number of officers in each class in each department and on each of the State Railways before the introduction of this system and what it is now?

(*c*) What is the percentage of working expenses against receipts under the new system now and what was it before the introduction of this scheme?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) The Divisional System was introduced on the Great Indian Peninsula Railway from 1st November, 1922, on the North Western Railway from 1st October, 1924, and on the East Indian Railway from 20th February, 1925. It is not possible to state in figures the saving which has been effected in expenditure or the increase obtained in efficiency as a direct result of introducing this system on these railways.

(*b*) The total number of officers on the North Western Railway and the combined East Indian and Oudh and Rohilkhand Railway before and after the introduction of the Divisional System was respectively:

North Western Railway—224 and 214.

East Indian and Oudh and Rohilkhand Railway—295 and 278.

As regards the details for each department separately, no useful comparison can be made because with the introduction of the Divisional System a number of the appointments are common to all the principal departments. As regards the Great Indian Peninsula Railway, the Divisional System was introduced over 2½ years before the Railway was taken over by the State and figures of reductions are therefore not readily available.

(*c*) The Honourable Member will find in Statement 7 of Volume II of the Report on Indian Railways, page 50, the percentage of working expenses to gross earnings for each railway for the financial year 1924-25. Similar statements are to be found in Volume II of the Report for the previous year. The Honourable Member will see that naturally from these statistics the changes in these ratios towards which the reorganisation on the Divisional System is only one factor.

ALLOWANCES GRANTED TO FRONTIER TRIBES FOR THE PROTECTION OF THE KHYBER RAILWAY.

93. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether it has given any sort of grant or allowance to frontier tribes or Militia to guard the track of the new Khyber Railway? If so, what is the amount and period of such expenditure?

THE HONOURABLE MR. J. P. THOMPSON: Yes, Sir. The ultimate responsibility for the safety of the line rests with the Afridis and the Shinwaris whose allowances were increased in 1921 for their co-operation over the railway by Rs. 1,12,000 annually. For the actual protection of the line 354 Khassadars are at present employed at an annual cost of Rs. 1,41,440.

GUARANTEE OF APPOINTMENTS IN THE RAILWAY SERVICE TO STUDENTS OF THE MACLAGAN ENGINEERING COLLEGE, LAHORE.

94. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether they propose to guarantee some appointments every year in their railway service for students who have successfully completed the course of Mechanical Engineers in the Maclagan Engineering College, Mughulpura, Lahore? If the answer be in the negative, will they state the reason? If the answer be in the affirmative,

will they kindly state what steps they propose to take to bring these students into service?

THE HONOURABLE MR. D. T. CHADWICK: Government cannot guarantee posts to any particular college. It is contemplated that selected youths will be trained by Government, both in practice and theory, in this country and in England, in order to fit them for the superior branch of the Mechanical Engineering Department of State Railways.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do not the present mechanical engineering colleges meet the requirements of the railways? There is the Maclagan Engineering College at Lahore and I should like to know whether students who pass out of that college are fit for employment in the railway service?

THE HONOURABLE MR. D. T. CHADWICK: The answer, Sir, is that the students from any college will be eligible for selection for the further training that is required by the railways if they attain certain standards. As to the special merits of the Maclagan Engineering College in Lahore, I am afraid I have no personal knowledge whatever.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Honourable Member kindly inquire and inform this House whether the Maclagan Engineering College does or does not fulfil the railway purpose for which it has been mainly founded?

THE HONOURABLE MR. D. T. CHADWICK: I think the Honourable Member must wait till the scheme that the Railway Board has in preparation is published.

INTRODUCTION OF THE AUTOMATIC COUPLER SYSTEM ON BROAD GAUGE RAILWAYS.

95. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state whether it is under contemplation to introduce the automatic coupler system on broad gauge railways in India? Will they state what will be the total cost of this new scheme, including the cost of strengthening the centre part of the underframes of rolling stock? Why is it proposed to introduce this system? What amount do the Government expect to realise from the sale of buffers, and draw-bars scrapped, and what is their present value?

EXPECTED SAVINGS CONSEQUENT ON THE INTRODUCTION OF THE AUTOMATIC COUPLER SYSTEM ON BROAD GAUGE RAILWAYS.

96. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will the Government kindly state what savings they expect to make per ton per mile on these long distance trains with automatic couplers as compared with the present draw-bar system, taking into consideration the loss involved in disposing of the draw-bars, buffers, etc., and the cost involved in purchasing the new automatic couplers and of strengthening the centre part of the underframes of rolling stock?

THE HONOURABLE MR. D. T. CHADWICK: I propose to reply to questions Nos. 95 and 96 together.

The Honourable Member is referred to the speech of the Honourable Sir (then Mr.) Clement Hindley, in the Council of State meeting, dated

20th February, 1925, and the debate on this question in the Legislative Assembly on the 28th February, 1925.

2. The final figures relating to the cost of the whole scheme are not available as important factors affecting that cost are still under further investigation.

ELECTION TO THE PANEL OF THE STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT: With reference to the motion adopted by the House on Wednesday last, I have to announce to the House that nominations to the panel of the Standing Committee on Emigration will be received by the Secretary till 12 noon on Thursday next, and that in the event of an election being necessary the election will be held on Monday, the 22nd February.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, and of a Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, which were passed by the Legislative Assembly at its meeting held on the 10th February, 1926.

RESOLUTION *RE* APPOINTMENT OF A ROYAL COMMISSION TO INVESTIGATE INTO THE WORKING OF THE INDIAN CONSTITUTION.

THE HONOURABLE THE PRESIDENT: I understand that some arrangement has been arrived at in regard to the first Resolution* in the name of the Honourable Mr. Sethna. I should like to have that confirmed in order not to embarrass the Honourable Member by calling on him to move the Resolution.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, in view of the great importance of the issues raised by my Honourable friend's Resolution, the Honourable the Home Member is particularly anxious to be in this House when the Resolution is moved. He is unfortunately detained by very urgent business in another place to-day, and it is proposed, with the concurrence of my Honourable friend opposite, that the Resolution standing in his name be placed on the list of business on Thursday, the 18th instant. I trust that course will commend itself to the House.

RESOLUTION *RE* THE ROYAL COMMISSION ON AGRICULTURE.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-official): With your permission, Sir, I beg to move:

"That this Council recommends to the Governor General in Council to lay on the table of this House the correspondence that has passed between the Government of India, the Secretary of State and the Provincial Governments on the question of the appointment of a Royal Commission on Agriculture".

*"This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and inquire into the working of the present Indian constitution and to formulate a scheme for the establishment of responsible government in India."

Sir, I make no apology to this House for bringing this very simple motion before them. This is only a formal motion and asks for the publication of the papers, and I feel already indebted to the Honourable Sir Muhammad Habibullah, whose appointment as the Leader of this House we all welcome, for placing certain papers and correspondence that passed between the Government of India and the Provincial Governments on the table of the Legislative Assembly, and I hope, Sir, he will meet our wishes by placing the papers and correspondence that passed between the Government of India and the Secretary of State on the table of this House. Sir, I have adopted this normal Parliamentary formula to give this House an opportunity of debating this important question, that is the appointment of a Royal Commission on Agriculture, and I hope the House will bear with me for a few minutes on the subject.

From the correspondence which has been placed on the table of the Legislative Assembly, it is evident that the initiative for the Royal Commission did not come from the Provinces. It either came from the Government of India or from the Secretary of State. In my opinion, it was a very unusual procedure to adopt when we consider that Agriculture is a provincial transferred subject. I however find, Sir, that when the official communication from the Government of India was sent out to the provinces, it met with a cold response from some of the major provinces, while others welcomed it. For the benefit of this House, I will read only two letters, one from the Government of Bombay, which has given a very cogent answer to the Government of India. The Bombay Government states:

"I am to state that in the opinion of this Government the problems of agriculture are largely local in character and even the results of general research frequently require prior local investigation before they can be applied successfully to any particular area. The Government of India are aware that much useful work has been done in this Presidency as in other Provinces in defining local problems and determining their solution. An extension of these activities has been limited only by the financial stringency from which this Presidency, in common with other Provinces, has suffered. The Government of Bombay recognise that the findings of a Royal Commission on Agriculture would throw much light on numerous important problems connected with that industry. In particular, should the appointment of the Commission result, as is anticipated in para. 1 of your letter, in research work on a larger scale than hitherto being undertaken by the Government of India, it would be of very great value. The Government of Bombay, however, believe that much of the work of the Commission would require to be supplemented by local investigation which they, and possibly other Provincial Governments, may be unable to undertake in their present situation".

I will now come, Sir, to the Government of Bihar, which is presided over by a distinguished Civil Servant. After welcoming in a few sentences the appointment of a Royal Commission, the Government of Bihar says:

"The Local Government think, however, that the attention of the Royal Commission should be called, at the outset, to the necessity of considering separately the problems of the various parts of India. Owing to local circumstances, these problems vary in the different provinces, and it would seem desirable that the Commission should report separately on the circumstances of the main divisions of the country in the same way as was done by the Indian Sugar Committee. While it may be possible to recommend the general lines of policy applicable to India as a whole, the area is so vast and the local conditions are so diverse that if such recommendations are to be of practical use, they must be supplemented by specific advice as to the special measures required in the different parts of India, which have so far developed on different lines."

Against these opinions, Sir, there are the views of the other Provincial Governments. They have stipulated that the importance of the question of land revenue, land assessment and agricultural indebtedness should be

[Mr. K. C. Roy.]

clearly kept out of the purview of this Commission. They have also stipulated that they should be given a chance of expressing an opinion on the personnel of the Royal Commission, and they think that there should be no interference with the ministerial responsibility in the provinces. Under these circumstances, the question is, whether my Honourable friend Sir Muhammad Habibullah was right in advising the appointment of a Royal Commission on Agriculture.

This now brings me to a most important question, and that is the rights and privileges of this House. After the two memorable speeches which the Secretary of State and His Excellency the Viceroy made last autumn, there was a belief that a Royal Commission would be appointed. The matter was brought to the notice of the Legislative Assembly by Mr. Ranga Iyer, who asked: "Do the Secretary of State for India and the Governor General in Council agree that a special Commission should be appointed for this purpose, and Mr. Bhore on behalf of the Government replied:

"A special commission is not in the present circumstances considered necessary."

and only two months after this we have the announcement of the appointment of a Royal Commission. Now, Sir, in appointing this Royal Commission, the Government of India have followed a peculiar procedure. The appointment of a Royal Commission, Sir, I take it, is the prerogative of the Crown, and the Crown appoints a Royal Commission on the advice of the British Government, and possibly of the Government of India, because the Government of India is the agent of the British Government in this country. But a novel procedure has been followed. All the Provincial Governments have been consulted not only on the terms, but also as to the advisability of appointing a Royal Commission. And who were the people left out? The Central Legislature. The Central Legislature, Sir, has got to find the money. It has to pass Bills, if any are required on the findings of the Royal Commission. I think, Sir, in this matter a most unjust treatment has been meted out to this House.

I will now, Sir, refer briefly to the terms of reference. I feel very strongly that the Government of India have tied down the Royal Commission too much. They have given a guarantee to the provinces that the Royal Commission will not in any way trench upon the ministerial field. But this is not the practice in other parts of the British Empire, particularly in the Dominions where agriculture is the primary industry. I will only give you the instance of what is done in Canada. It is provided in section 95 of the British North America Act that:

"in each province the Legislature may make laws in relation to agriculture in the Province."

It is also declared that:

"the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces, and that any law of the Legislature of a province shall have effect in and for the province as long and as far only as it is not repugnant to any Act of the Parliament of Canada."

In other words the right of concurrent legislation by the Dominion Parliament and Provincial Legislatures is expressly established in the

Dominion. What is the cause of our departure? Why should not the Commission have a free hand in the matter? Why do you tie them down?

Now, Sir, I come to another important factor, that is an important omission from the terms of reference. The terms of reference make a great show of rural economy and indicate a great desire to develop rural welfare and prosperity. But how can this be done when you have left out of the terms of reference the land revenue? You have left out the question of assessment. This question has not been examined for a very long time. It was examined by the Hobhouse Committee in 1907, not from the point of view of rural economy or agricultural welfare, but from the point of efficient administration and administrative control. It was also tackled in a very small way by Lord Chelmsford and Mr. Montagu in connection with the Reforms Scheme. Now that we are considering rural economy and rural welfare we have to consider this question. The Government of India are afraid of vested interests; they are afraid of meeting the situation to-day; but, Sir, the proletariat, which is gaining authority, will very soon assert itself and will demand a complete re-examination of rural conditions in India. We are only deferring the evil day and we are doing nothing. In moving my Resolution, I should like to make it absolutely clear that I am not opposed to the Royal Commission. In fact I welcome it, but I am sorry that the great object which His Excellency has in view and which he has more than once emphasized in this House will not be fully realised by the Commission which my friend the Honourable Sir Muhammad Habibullah wishes to appoint. With these words I commend my Resolution to the notice of the House.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, the Honourable Mr. Roy, in moving his Resolution, began in a manner as if to imply that he did not approve of the appointment of the Royal Agricultural Commission. Proceeding further he has given us his reasons for what he finds wanting in the proposed terms of reference and he has told us that he certainly favours the appointment of the Commission. I welcome the Resolution because it will give the Honourable Members of this House an opportunity of knowing how the terms of reference were arrived at, etc. It seems that my friend the Honourable Mr. Roy has had an advantage over us because, if I heard him correctly, he has been supplied by the Department concerned with the correspondence exchanged between the Government of India and the different provinces. We have not seen the same, and I therefore support this Resolution so that the Members of this House may know what correspondence has passed in regard to the appointment of this Commission.

Personally I am very strongly in favour of the appointment of this Commission. I have advocated this frequently. Even in the Council of State nearly three years ago I moved a Resolution asking for the appointment of a Committee for a survey of the economic conditions of the people of India with special reference to the conditions of the agricultural population, and I find, Sir, that His Excellency the Viceroy was pleased to make a reference to that Resolution in the course of the speech which he made to this House six days ago. In this Council and outside I have always urged that because three men out of four in this country live on the income of the soil, improvement in the conditions of agriculture must be given greater attention to than is at present done both by the Central and the Provincial Governments. I may be permitted, with your permission, to quote a few

[Mr. Phiroze C. Sethna.]

lines from a speech I made just a year ago at the annual meeting of the Central Bank of India. I observed then:

"Agriculture, the premier industry of the country, has a great future before it, but it needs to be fostered, as is being tried in Madras, by institutions such as land mortgage banks. I commend the farsightedness of the Madras Government to the Government of Bombay as well as other Provincial Governments in the matter. As regards industries, the example of Japan and Germany should be pressed into service and industrial banks started under proper control by the State. As long ago as 1919, Government were willing to appoint a committee to inquire into the subject, but nothing has so far been done."

I said this 12 months ago, and I am glad to find that something definite has been done and that a Commission is to be appointed.

Another reason why I welcome this Resolution is that the announcement of the appointment of this Commission had created a suspicion in the minds of some people and reference has been made in the press to perhaps some ulterior motives which the Government have in view. His Excellency the Viceroy I know has answered that charge, but a perusal of the papers asked for in the Resolution between the Government of India and the Secretary of State will convince the whole country, and that portion of the press particularly which I have referred to, that there is no such ulterior motive behind it, and for that reason I trust the Honourable Member in charge will welcome the Resolution of my friend Mr. K. C. Roy.

One other reason for asking for the papers is that if they are submitted to the House, it will enable the Members to know and to see if any recommendations have been made by the Government of India to the Provincial Governments or by the Provincial Governments to the Government of India in regard to the personnel of this Commission. As this House is aware, there was much criticism in regard to the personnel of the Royal Currency Commission. I do not mean to refer to that at any length to-day. I will only say in brief that if we go by cities, it was held, and rightly held, that out of 10 members of the Royal Currency Commission, as many as five had intimate relations with the trade of Calcutta, whilst there was only one representative from the city of Bombay; and I am sure that Government will admit that Bombay is as large and important a commercial city as Calcutta, or even more so. If next, different businesses are taken into account, then again we find that, whilst there are five members of the Currency Commission intimately connected with the Imperial Bank of India, and one member intimately connected with exchange banks, and although the Honourable the Finance Member is very anxious that Indian banking should prosper and be greatly increased, yet not one single member connected with any of the Indian banks has found a place on that Commission. If these papers which the Honourable Mr. Roy has asked for are placed on the table, it will enable Members to make suggestions to the Honourable Member in charge for Agriculture in regard to the personnel. We quite realise that this is the prerogative of His Majesty the King, but surely, Sir, His Majesty is not personally acquainted with the men he appoints or knows their qualifications. He has perforce to rely on the recommendations made by the men on the spot.

I would certainly urge that certain claims are not ignored. I hope that the Forest Department will not be ignored. Forestry has much to do with Agriculture, and I for one would certainly suggest that a forest expert be put on this Commission. Further, I do hope that an industrialist

connected with the textile industry of this country is also put on this Commission. The House may naturally ask why an industrialist is connected with the textile industry? The reason is this. India is the second largest producer of cotton in the whole world. A very large proportion of it is consumed by the mills in the country. Therefore, textile industrialists must have a say in this matter because of the kind of cotton that they require for their own wants and because of the cotton that is necessary for export purposes. And in this connection it may interest the House to know, if they are not aware already, that several textile industrialists on the Bombay side are largely interested in the cultivation of large staple cotton in Sind and elsewhere, and that, Sir, to my mind is a very strong reason for not leaving out such an industrialist from the personnel of this Commission.

Again, Sir, as the Commerce Department may well be aware, whilst at the present moment a very large number of bales are exported to Japan it is quite possible that in the near future if the staple of cotton grown in this country is not improved there will be a considerable diminution in the export of Indian cotton to Japan. Japan wants to be independent of India if she can in the matter of its cotton purchases. Japan has large interests in China. They are already growing cotton there to a certain extent, but Chinese cotton has a very short staple, and so far they have not been able to grow cotton of the same staple as, say, Broach. Therefore, it is to our interest to grow more cotton of the larger staple so that we may not lose the markets to which we export our cotton to-day, and which we are bound to lose if no proper interest is taken in this question. I therefore appeal to the Honourable Member in charge to consider the suggestions I have made, and I do hope the personnel will be such that there will be no room for criticism in the case of this Agricultural Commission as there was in the case of the Royal Currency Commission. With these remarks I strongly support the Resolution of my Honourable friend Mr. K. C. Roy.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, it is indeed a matter of very great pleasure to me that on the very first non-official day of the first Session of this reconstituted House the place of honour has been given to a subject of such vital importance to India. Indeed, it is one more proof, if proof were needed, of the earnestness and the abiding interest which the Members of this House have always evinced in the amelioration of the condition of the agricultural classes of this pre-eminently agricultural country. It must be confessed that agriculture is, and will continue to be, the primary industry of India. We all know that 3 out of 4 people in this country depend on agriculture for their livelihood. It was I think Dean Swift who uttered the truism that anyone who enables two blades of grass or two ears of corn to grow where only one grew before is a real patriot. I therefore, Sir, welcome this opportunity of hearing the views of this House in regard to this important question of agriculture.

I think I may dispose of the Resolution now under discussion in one single word. As the Honourable the Mover of the Resolution has already pointed out, on a demand made by the other House, I have already laid on the table the correspondence which passed between the Government of India and the Provincial Governments and from which the Honourable the Mover has already quoted. This Resolution now asks me to lay on

[Sir Muhammad Habibullah.]

the table of this House not only the correspondence which passed between the Government of India and the Provincial Governments but also that which passed between the Government of India and the Secretary of State. I may at once say that I accept the Resolution and agree to place on the table that correspondence* as well.

I think I may pass in brief review a few of the observations—I shall certainly not call them criticisms,—which have been made by the Honourable Mr. K. C. Roy. He seems to suspect that two, at any rate, of the Local Governments have been seized with a feeling of lukewarmness in welcoming the constitution of this Commission. He will give me credit if I affirm that I am more accustomed to read official correspondence than he has had the opportunity of doing, and I am in a better position to interpret the language of official documents than he can be. I challenge my Honourable friend to point out a single word in the communications of those two Governments wherein they express anything like dissent from the proposal that was put forward before them. They have, in common with other Provincial Governments, welcomed the Royal Commission, but they add or they make some supplementary suggestions. The Government of Bombay very naturally in its present financial position sees that if any recommendations are made by the Royal Commission which would involve an additional financial burden, it may probably be impossible for it to foot the Bill; and it has therefore, if I read that Governments mind correctly, registered its claim in advance for such financial assistance as it may have to apply for when the recommendations of the Royal Commission are finally known. The Bihar and Orissa Government has very rightly brought to our notice the fact that besides questions of all-India interest, there are questions of peculiar interest and peculiar difficulties which confront every province, and that the Royal Commission had better devote some of its time and attention to examining and exploring those particular difficulties and favour the provinces with suggestions for their solution. We have indeed met that demand by making it quite plain, quite clear, that the Royal Commission will, while making investigations in any province, put itself in direct communication with the Local Government and take such evidence as it can with the help and assistance of the Minister in charge of Agriculture, co-operation and other departments connected therewith. There is therefore no fear to apprehend; there is no idea anywhere that the Royal Commission should not try and help each and every province to solve whose difficulties it has been established. I may therefore assure my Honourable friend that he might for the time being dismiss from his mind any suspicion that any Local Government is lukewarm about this Commission. I may give him the assurance that every Government welcomes it.

12 Noon.

I think I will take next in order the complaint—if I may use such a strong word—which he made in regard to the change in the attitude of the Government of India, if I have understood him aright, as explained in another place in answer to a question which was definitely asked. I think he drew our attention to a question that was asked by Mr. Ranga Iyer and to the answer given by Government that there was no intention at that time of appointing a Royal Commission. Let us be quite sure about the dates. The speech of His Excellency the Viceroy to the two

*The whole of the correspondence is printed as Appendix A to these proceedings.

Houses of the Legislature was made on the 20th of August, 1925; and in that speech His Excellency had distinctly and clearly given expression to this view:

"My Government while giving due attention to industries in the restricted sense of the term are determined, so far as circumstances permit, not to neglect the interests of what is really the greatest of all Indian industries, namely, agriculture. I know from my discussions with the Secretary of State that my Government can rely upon his most cordial support of this policy. The direct responsibility of the Government of India for agricultural development in the provinces ceased with the inception of the Reforms. In view, however, of the paramount importance of agriculture as the basic industry of the people of India of the improbability of Provincial Governments being in a position to undertake research on the scale required and of the necessity for co-ordinating activities in the wide field of agricultural development, the Central Government must continue to play a humble part in agricultural progress."

And then he foreshadowed the appointment of a central Agricultural Board to co-ordinate the activities of the various provinces. Well, five days after that speech had been delivered, a question was asked whether the Government intended the appointment of a Royal Commission. Five days was not long enough to have enabled the Government of India to have come to a conclusion different from that which His Excellency the Viceroy had announced in opening the Session, and the inevitable reply therefore was that the Government of India had no present intention of embarking on the appointment of a Royal Commission; and in the course of his speech on the 20th January, 1926, while opening the Session of the other House His Excellency has given full, exhaustive and cogent reasons as to why he and his Government came to the conclusion that a question of such magnitude, of such importance and of such vital interest cannot be solved merely by the establishment of a Central Board of Agriculture, but that it should be handled in all its bearings by a Royal Commission, and that he and his Government had come to that conclusion with the assent of His Majesty. The interval between the two was utilised for the purpose of giving to this important question that consideration which it indeed deserves; and as a result of that consideration it was found, and very rightly found, that the interests were so diverse, the questions were so complicated, the issues were so important, that nothing short of a Royal Commission could be expected to handle them effectively and successfully.

Well, Sir, I think I have been next asked, why the Legislature was not given an opportunity of expressing its opinion before this Royal Commission was actually announced. I think I have already made it sufficiently plain that so far as this House is concerned, we have been, from time to time, supplied by it with its views and opinions as to the course of action which would have pleased it most. From the year 1923, definite Resolutions were being moved in this House advising, suggesting, rather pressing, the need for a comprehensive investigation into the agricultural conditions of this wide Empire. Indeed one or two Resolutions were framed on lines which, if they were read once more, will give a clear indication that they are the lines on which the terms of reference are based now. I shall certainly not deny the same credit to the other House. Indications have not been wanting even there of the earnestness, the enthusiasm and the interest displayed by its Members. They have constantly asked questions which suggested that the Government of India must take some definite action in this direction. They have tabled various Resolutions suggesting the appointment of this committee and

[Sir Muhammad Habibullah.]

that to investigate into particular problems which are germane to the agricultural prosperity of India. We have had, therefore, a clear indication of the direction in which the wind is blowing. We knew as a perfect certainty that this House as well as the other were eager, were anxious that the Government of India should do something for the purpose of solving this all-important problem which is at the very root of the welfare, happiness and prosperity of no less than three-fourths of the entire population of India. We therefore took time by the forelock and we applied our minds to the consideration of that question; and we in the first instance came to the conclusion that this could be solved by merely setting up a Central body which would co-ordinate the work of the provinces and bring about the desired millennium. We had to revise that view in the light of facts which were placed before us. We came, therefore, to the deliberate conclusion that we must not any more pursue the idea of merely installing a Central Board to tackle a problem of this magnitude, but that we should call to our aid a Royal Commission which will survey the whole field and make recommendations with the object of bringing an advance in this the premier industry of India. I should, therefore, think, Sir, that there has been no disrespect shown either to this House or to the other in the conclusion which we reached. The Honourable Member quoted for our information the practice and rules which obtain in Canada, and inquired why we have allowed agriculture, which is the basic industry of India, to be consigned, so to say, to the limbo of insignificance by its being called a transferred and a provincial subject, and in which the Government of India find themselves helpless to take any direct action. Well, Sir, it may academically be profitable to compare notes with other Dominions and countries in the world, but I must submit at the same time that we have got to remember the fact that our constitution, our procedure and our governmental methods are different to those obtaining in either Canada or other Dominions. The Reforms have brought about a change. The change is there. We have all to accept it, and having accepted it, we have got to work in a way so as to secure the object in view. The object in view undoubtedly was the advancement of the agricultural population. That, we hope, to secure, in spite of the fact that Agriculture is a transferred provincial subject, by the appointment of this Royal Commission. I wish our procedure was different. I wish agriculture had been entirely a central subject, but it is only my pious hope. I cannot change the Constitution. I cannot go back on the Reforms. It is, therefore, quite necessary to bear in mind that, while we attempt to do anything, we should do nothing which would offend against the very framework of the Reforms.

Then the Honourable the Mover raised a complaint that we have excluded from the terms of reference questions regarding land ownership, land tenure, assessments of land revenue and so on. Sir, my own idea of the questions regarding land ownership and land tenure is absolutely different from the idea of the Honourable Member who has moved this Resolution. I think these questions are so complex and so complicated that it will not be possible for a Commission set up for a different purpose to bring under its ambit an investigation, an exploration, into questions bristling with such intricacies. Indeed, these questions differ from province to province, nay more; they differ in parts of the same province. This by itself would justify the appointment of a separate Commission.

and it is not desirable that these intricate questions should be dealt with by a Commission of this sort which has been set up with a definite object. Further, land ownership, land tenure and other cognate questions are already dealt with by the local Legislatures. There are laws in the various provinces which regulate the land ownership and land tenure. These laws are amended from time to time as the necessity for them becomes urgent. Some of the Local Governments have at the present moment legislation on hand for these specific purposes, and I should certainly not think that it is within the purview of a Commission like this to make definite recommendations on these questions.

As regards the land revenue assessment and I may add, water rate as well, which in some provinces is regarded as an integral part of the land revenue administration, the recommendations of the Joint Parliamentary Committee to enact legislation regarding them are there. In answer to a question by an Honourable Member opposite this morning, I said that four provinces have already introduced this legislation. One other province has got it ready, and other provinces have already applied their minds, and it is expected that that legislation will also be introduced in the near future. Here again, let me repeat that these are not questions which could have been included within the purview of the Commission which we have appointed. But, I confess, Sir, that there may be particular occasions when possibly this Commission might have to deal with questions regarding land ownership and tenancy, though not directly but incidentally, and I am tempted to read from one of the papers which I placed on the table. The Secretary of State while accepting that recommendation has added these observations:

"I agree that the Commission, if for no other reason than that it is not qualified, cannot be expected to deal with such questions as the relationship between landlords and tenants, land revenue systems, assessments or irrigation charges. Nevertheless it is inevitable that witnesses will refer to them during inquiry, and I do not think that the Commission should be precluded from examining witnesses on them with a view to eliciting whether, and to what extent, present conditions of agriculture, etc., are affected by them, and although the Commission should certainly not investigate these subjects or make specific recommendations in respect of them, I consider it should not be precluded from referring to them as matters directly connected with the main question under inquiry."

Now, in the light of this clear pronouncement of the Secretary of State, I take it that the fears which the Honourable Mover has expressed will disappear, and that he will see that, although these are not the direct subject-matter of investigation, still the Commission will deal with them, if they feel that they are connected with some issues which they are investigating and for the determination of which they consider that evidence is necessary or evidence has already been taken. And I repeat the words of the Secretary of State once more:

"The Commission should not be precluded from referring to other matters directly connected with the main question under inquiry."

I am indeed grateful to my friend the Honourable Mr. Sethna for having drawn my attention to what he considers would be a very satisfactory and reasonable constitution of the Royal Commission. Well I thank him for the suggestions which he has made and while I assure him that I shall certainly consider them very carefully, it must at the same time be recognised that by the very nomenclature the Commission is Royal, and as such the appointment of members to a Royal Commission is entirely the prerogative of the Crown and the matter, as was already stated by His

[Sir Muhammad Habibullah.]

Excellency the Viceroy in his speech the other day, is now engaging the attention of the Secretary of State. We shall certainly endeavour that the constitution of this Commission is such that it contains members who will bring the requisite knowledge and the requisite experience to bear on the solution of the issues, important as they are, with which they are entrusted, and I do hope that, when the Commission is actually announced, it will meet with universal approval. Having therefore, Sir, accepted the Resolution in its entirety, and having just attempted to make a few remarks on the observations made by my Honourable friend, I do not think there is anything more left for the Honourable Member except to withdraw his Resolution.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, the House is indeed grateful to the Honourable Mr. K. C. Roy for raising this very important debate on a very formal motion. If the public has any suspicion of the way in which this Royal Commission has been brought into existence, the public is not to blame for it, but the Government of India are entirely to blame for it. After the assurance His Excellency the Viceroy has given, I am not going to say that we are going to read any dark political motive into this Commission; but if the Government had shown the consideration which they ought to show to the Central Legislature by taking it into their confidence before recommending the terms of reference to His Majesty's Government, it would have given greater satisfaction. In fact we only heard of this Commission when His Excellency made this announcement, and I expect we shall hear the final stages of the accomplishment of the scheme only when the Government ask for a grant for the expenditure of this Commission. I think this is hardly the way in which the Central Legislature ought to be treated and the country ought to be treated in a matter of this importance. Therefore, whatever suspicions may be entertained in this matter are entirely due to the very unsatisfactory way in which the Government ushered this Commission into existence.

Then, Sir, there are one or two matters about which one is a little apprehensive. I would only mention them so that the Honourable the Leader of the House may use his influence with the Government with regard to widening the scope of the inquiry. This House is aware that the Joint Parliamentary Committee in their report have drawn attention to the fact that of all taxes land revenue alone is levied without legislative sanction, and that they have made a significant recommendation in the report, namely, that " they proposed that the process of revising the land revenue settlement ought to be brought into close regulation by Statute *as soon as possible*." In Madras we have been struggling to get some legislation passed in this direction for the last six years and we are nearing the completion of the life of the second term of the reformed Councils, and yet we were told, in answer to a question the other day, that the matter is still under the consideration of the Government of India. What the Government of India ought really to have done was first to tackle this question by placing the land revenue assessment and the land revenue policy of Government on a sound basis before they advocated this Commission. After all the Members of this House cannot deny that, whatever measures may be devised for the improvement of agriculture in this country, they cannot succeed unless you improve the condition of the agriculturist, and that it

can be improved only by a sound and humane land revenue policy, moderation of assessment, and helping the ryot by making the periodical settlements in such a way as not to make them oppressive. In the province from which I come three very important districts are in the throes of the periodical settlement, and what the people of these districts want is that this question of land revenue settlement should be placed on a statutory basis before the settlements are undertaken, and that an investigation into the conditions of the people of the province should be undertaken with a view to seeing whether they can pay the additional taxation. But it is proposed to increase immediately the land revenue by 25 per cent. A concession was made in regard to Tanjore, after an agitation, that it would be reduced to 18¾, but all that is done before the necessary inquiry is made and the assessment subjected to legislative control as recommended by the Joint Committee. It is this reversing of the process and not dealing with the recommendations of the Joint Committee before appointing this Royal Commission that has caused suspicion. It looks as though the Government want to derive a larger revenue. I do not say it is not a legitimate object. Being the largest industry in the country, if there is an increase in the agriculturists' income, the Government may be entitled to a share of it. But this inquiry to some people means a method of finding out reasons for enhancing the land revenue and therefore there is a suspicion about it. I cannot conceal that fact. The Government would have been trusted much more by the people if they had first carried out the recommendations of the Joint Committee. Another matter which I wish to allude to is this. There is also some little suspicion that this inquiry might result, after all, in benefiting outside agencies and not the Indian agriculturists. The agriculturists will be benefited to some extent I have no doubt, but on most former occasions these Commissions have resulted in greater benefits to other people than the persons for whom they are intended. If as a result of this inquiry it is found that certain kinds of chemical manures and implements are necessary for this country, it will enable the foreign capitalist to export larger quantities of them to this country. While to-day manures which are available here are exported every day to other countries, we may be asked to import manures from other countries if the expert opinion arrived at by this Commission says that this is the best thing for us to do. Why do I say this? I am not merely speculating. The Madras Government in its Agricultural Department asked for the stoppage of the export of bone meal, oilcake and fish manure which are available in abundance in the Madras Presidency. We were told that if the export of these things was prevented it would lower the price and therefore the supply would be curtailed. Well it may be that such economic theory may do in some cases, but I do not think it would do in this case. We all know bone is a bye-product and oilseeds are not grown on any economic theory. The fishermen are not likely to change their occupations, and therefore this economic theory of reducing the supply by preventing export has no application to these manures. Still it is pressed and the Agricultural Department's efforts to get these exports stopped have proved a failure. Unless you therefore tackle these questions in a really sympathetic spirit and come to the rescue of the people with genuine sympathy for their indigenous wants, very little good will result from this Commission.

In my province the population per hundred acres of culturable land is 125, and calculations show that an agriculturist has not more than three-quarters of an acre to labour upon on the average. On that three-quarters

[Mr. V. Ramadas Pantulu.]

of an acre he has to raise all sorts of necessities for the sustenance of himself and his family. An agriculturist in my province, and I am speaking from personal knowledge, is not backward. He knows the art of agriculture; and many authorities I have consulted agree that the agriculturist in India is not by any means a backward or primitive labourer as is sometimes sought to be made out. He knows his work. Therefore the question of intensive production must be tackled from an intimate knowledge of the conditions obtaining in India. On these questions we shall be thankful to Government if they tackle them from the purely indigenous point of view, and not merely from the point of view of foreign experts. Economic theories of foreign experts are sometimes fallacious, and therefore I would request the Government of India in nominating the personnel of this Commission to have regard to the desire that Indians who are acquainted with the conditions of Indian agriculture should be appointed in a preponderating number. Of course we do want foreign experts to give us technical and scientific advice, but I think after all they are not the only best advisers in a matter like agriculture, where local conditions must be studied. Therefore, while we welcome the advice of foreign experts, the Government of India, we think, would do well to recommend a preponderating Indian element and only such Indians as are directly interested in agriculture and have got a first-hand knowledge of agricultural conditions in this country ought to be recommended to sit on this Commission. If all this is done, I am sure something will come of it. I am also glad to know from the Honourable the Leader of the House that though not directly but indirectly the question of the land revenue system and of tenures will be considered by this Commission, and I hope this inquiry will be undertaken very soon. The land revenue policy of Government was settled 30 years ago and a great deal of change has taken place in the country since then, and that policy requires very urgent consideration, and therefore the materials to be collected for this inquiry should be collected as soon as possible. With these observations and in the hope that the Government of India in recommending the personnel of the Commission, if they have not already done so, will take into consideration my request that it ought to be preponderatingly Indian and that Indians with first-hand knowledge of agricultural conditions in this country should be appointed to sit on this Commission. I beg to support the Resolution.

THE HONOURABLE SETH GOVIND DAS (Central Provinces: General): Sir, I also rise to make a few remarks on the Resolution of my Honourable friend Mr. K. C. Roy, but before I come to my subject I wish to make a few personal observations. I am perhaps, Sir, the youngest member of this House. The Assembly to which I had the honour to belong till the other day always treated me with the utmost indulgence and kindness, and I hope you, Sir, and the Honourable Members of this House, will extend to me the same kindness, although we may not see eye to eye in all the matters which are brought before this House. I think, Sir, I may be considered to represent the younger generation of this country, and I am afraid, Sir, their views are somewhat more advanced than the views of many of the Honourable Members here, but I think, Sir, they will appreciate the views of the younger generation.

Now coming to the subject I may point out that I belong to the class of landholders who have much to do with agriculture and its problems. But at the very outset I may mention, Sir, that this is not a matter which con-

cerns landholders only but the whole country. When we consider, as the Honourable the Leader of the House has just said, that 3 persons out of 4 are directly connected with the agricultural industry of this country, and that another 15 per cent. of the population is indirectly dependent upon the agricultural property of this country. Besides this, Sir, the industrial progress of the country also depends upon the future progress of agriculture. While, therefore, I welcome the announcement of this Royal Commission, I hold, as the Honourable Mr. K. C. Roy and the Honourable Mr. Sethna have just said before the House, that the terms of reference of this Commission are not adequate to cover the whole question. The Honourable the Leader of the House has said that the questions of land revenue and land tenure are complicated questions. I admit, Sir, that they are, but it does not mean that we should leave them untouched. The remedy lies in solving them and not shirking the responsibility. The Honourable the Leader of the House has also read in this connection a part of the announcement of the Secretary of State, but I think, Sir, it is insufficient. The settlement policy of the Government of India and the economic condition of the people are so much connected with each other, that you cannot examine one while leaving out the other. If you exclude land tenure and land revenue you exclude the most vital parts of the question.

I think, Sir, it would not be out of place if I were to make a few remarks on the merits of the question itself, as a grave responsibility lies on the present Royal Commission regarding the advancement of agriculturists in this country. The first charge that is laid at the door of the Indian peasant is, that he is conservative. I admit this charge; but in fairness to him I must point out that he is no fool. He has a long heritage of experience behind him, and if he is convinced that a certain thing is within his reach and is at the same time profitable to him, he will at once adopt it. Of course he has no use for an academic and itinerant lecturer from England or from America who delivers a lecture here and a lecture there and passes on. The way to convince him is not to publish the results obtained on some distant farm, but to demonstrate locally. Sir M. Visveswaravya, lately Dewan of Mysore and an experienced administrator, says:

"A few central experimental farms and a number of district farms have been working for several years past; but it cannot be said that they have influenced the general situation in any material degree. They are controlled by Government officials, between whom and the cultivator there is and can be no sympathetic understanding. The policy of agricultural development is controlled, not by experts, but by members of the bureaucracy, who obviously cannot, in the midst of their multitudinous executive duties, keep abreast of the achievements of scientific agriculture in the west."

I think, Sir, the remedy lies in a great and combined progressive movement and in remodelling the Government Departments of Agriculture.

The second charge that is laid at the Indian peasant's door is that he is illiterate. May I ask, Sir, who is responsible for this? The Government have shown criminal negligence in the matter of education of all classes, and specially of the rural classes. The present system of primary education is only fit for a city child and that is the reason why the villager has no love for it. There should be a rural school within the reach of every village as in the case of Japan, the Phillipines and the United States. What are the conditions in India to-day? According to Sir M. Visveswaravya, three villages in India out of every four are without a school, and 30 millions of children of school-going age are growing up without any

[Seth Govind Das.]

instruction. The expenditure on education in India from all sources, including fees, in 1916-17 was 11·2 crores of rupees, giving a rate of Rs. 14·8 per head of the school-going population or seven annas per head of the entire population. The corresponding expenditure in other countries was Rs. 38 per head in the United Kingdom, Rs. 104 in Canada, Rs. 114 in the United States of America. The figures speak for themselves and also for the backwardness of the country. When Prince Albert Victor, grandson of the late Queen Victoria, visited this country, the witty citizens of Poona in a well decorated and spacious pandal greeted His Royal Highness in these words " Tell Grand-Ma we are a happy nation, but 19 crores of us are without education.". I am, Sir, a great believer in education, and the whole of the rural problem in India can be solved by following the right type of rural educational policy as was followed in the Phillipines. In the Phillipines rural schools have a garden attached to them and a farm in which the village child learns the use of the best seeds and the best processes; and from them the parents adopt those processes. . . . .

THE HONOURABLE THE PRESIDENT: I must ask the Honourable Member to leave education and come back to agriculture.

THE HONOURABLE SETH GOVIND DAS: I am referring to agricultural education, Sir. I shall only say a few words more. These schools demonstrate the use of scientific machinery. I admit, Sir, that the Government of India will say that they have established agricultural farms, ...

THE HONOURABLE THE PRESIDENT: Will the Honourable Member leave education and, as I suggested, come back to agriculture?

THE HONOURABLE SETH GOVIND DAS: I have already come to it. Sir. I know, Sir, that the Government of India will immediately say that they have established such farms, but they are most unnatural, as the quotations from Sir M. Visveswarayya read by me prove.

Now, Sir, coming to the indebtedness of the agricultural population, I may say that rural India is in great debt. I have personal experience of my province in this connection, and I can say without any hesitation that in certain villages there is not a single farmer who is free from debt. A writer in the *Round Table* of June, 1925, says in this respect:

" The interest was in no case less than 36 per cent. and sometimes it was as high as 100 per cent. per annum. Frequently the money-lender would not give receipts for payments made, so that when a cultivator fell into debt he never got out of it. His produce was mortgaged to the money-lender on the money-lender's terms, and anything the debtor wanted had to be purchased from the money-lender on his own terms. The man had usually to endure a hand-to-mouth existence, for he could neither accumulate nor save anything."

Although the conditions are not as bad as the writer depicts yet they are far from satisfactory. In my own case Sir, I may mention that we had to remit Rs. 15 lakhs within these few years to our own tenants until conditions somewhat improved.

Sir, this is the old old story of the two diseases of India which are sapping her inner strength, namely, illiteracy and poverty. Much can be said to emphasise the necessity for an expansion of the irrigation and pasture lands, but in comparison with these two evils they sink into insignificance. As regards irrigation, something has been done in Madras and in the Punjab; but in the rest of the country these things are still untouched and that is the reason why wet products like sugar-cane and other things are not cultivated in many parts of the country where they can thrive as

in our own provinces, the Central Provinces, where the tracts could be made useful for such products. At the same time, Sir, the whole land is so extensively cultivated that there is hardly any land left for pastures. In my own province the cattle are suffering immensely for want of grazing lands. The breed of cattle has also to be improved. I hope the proposed Royal Commission will seriously think of all these matters.

Finally, Sir, I am obliged to say a few words on the personnel of the Commission. The personnel of the Commission should be such that it should enjoy the confidence of agricultural India. Well known agriculturists and natural leaders of the people should be associated with the Commission, so that they may place their own experience at the disposal of the country. Given sufficient public money and honest patriotic efforts, Sir, this Royal Commission should achieve its goal, but this is only possible if the terms of reference are broadened and the personnel is such that it may command the confidence of the whole country.

THE HONOURABLE RAO SAHIB DR U. RAMA RAO (Madras: Non-Muhammadan): Sir, I rise to support the Resolution moved by my friend, the Honourable Mr. K. C. Roy. In doing so I may be permitted to make a few observations not only for the consideration of this Council but also of the Government. For my part, I have my own misgivings with regard to the ultimate utility of this Commission to the poor and helpless peasants of India and the beneficent results, which, we are told, would accrue to the agricultural population of this country from the labours of this Commission. This Commission, coming as it does so closely upon the heels of the British Empire Exhibition, is, in my opinion, intended more to exploit the raw products of this country than to put the agricultural industry of this country on a firm and solid basis and save the rural population from chronic indebtedness and economic ruin. Of course, this charge has been more than once repudiated, but as long as the terms of reference to the Commission are not wide enough to include a close and careful examination of the existing system of land-ownership and tenancy and the assessment of land revenue and irrigation charges, which have a vital bearing on the expansion of agricultural industry in this country, it is my sincere conviction that any number of Royal Commissions will not be able to ameliorate the hard lot of the agriculturist in India nor induce him to adopt scientific methods of cultivation for which he cannot find the wherewithal.

The terms of reference so far announced are more or less purely of a scientific and technical character relating to the application of the results of the latest scientific and practical knowledge to the agricultural industry in this country, and a few experts on agriculture could easily indicate what reforms are necessary in this direction. In fact, we have a number of these experts already in the Imperial and Provincial Agricultural Departments who are expected to be posted with the latest scientific knowledge and discoveries on the subject of agriculture and apply that knowledge to the agricultural industry in India. Unless these experts have failed so far or are unable to perform this primary function, there can be absolutely no justification for the creation of this Royal Commission. It will not be out of place to point out in this connection that the generality of the agricultural population in this country are so far immersed in poverty and indebtedness that they can think of nothing but their daily bread. In my own Presidency of which I can speak with some authority, irrigation facilities are quite inadequate and the prospects or otherwise of agriculture depend almost entirely on the vicissitudes of the weather. For purposes

[Dr. U. Rama Rao.]

of tax-collection, it would be enough if there is one good shower of rain during the monsoon time, often termed "Sircar rain", and the Collector comes in, whether any crop is raised or not, whether the harvest is good or bad, to gather the tax. This is invariably done before the crop is harvested and the poor ryot is handicapped in that he is unable to sell his produce at a favourable rate in the market and pay the *kist*. It is now that he comes under the clutches of the sowcar or the money-lender, who charges an exorbitant rate of interest for the money he lends on the pawn of the produce. So, what little profit the agriculturist is able to make is consumed in paying interest. There are no agricultural banks to help the poor ryots in their hour of need and the co-operative societies, which are so few and far between, are so much wedded to red-tapeism that it is very difficult to obtain loans in time. The Government no doubt advance loans for agricultural purposes, but the process of getting them is tedious and the conditions of re-payment are exacting so that the agriculturists are averse to avail themselves of the offer. If at any time, fortune should favour the ryot and as a result of successive good seasons and bumper harvests, he begins to lift his head out of the financial mire and invest something towards the improvement of his lands, the ever-alert settlement officer comes on the scene and says that it is just the time for him to revise the land assessment and he does it regardless of all considerations. Recently, in the Tanjore District, the assessment was raised by 25 per cent. and it was only after a fierce struggle and after the institution of a no-tax campaign that a slight reduction was effected. Again, all the available waste lands and common grazing grounds for cattle have been given away on Dharkast in recent years with the result that the maintenance of cattle, so necessary for agricultural operations, has become a costly affair now-a-days. The last five years' agricultural statistics show a decrease of calves 2,760,428; bulls and bullocks 356,674; cows, 470,873; male-buffaloes 171,566; female-buffaloes 323,213; why is this heavy depletion in live-stock? The answer is that peasants find it impossible to maintain their live-stock and so they sell them for slaughter. Manure is very hard to get. The Forest laws are so stringent that even green leaves cannot be had now-a-days for love or money. Scientific manure is too costly for the poor ryot. Unless, therefore, the Government improve the economic condition of the people by overhauling the land tenure system, there is absolutely no good in Government recommending to the agriculturists the adoption of scientific methods of cultivation. In the Provinces, the Development Department has no money to effect even minor improvements. Where is the money, then, to come from for carrying out large experiments, research work and a host of other things which may be recommended by the Royal Commission? The personnel of the Commission is in the making and I am afraid, from the tenor of H E. the Viceroy's speech, there would be only a sprinkling of Indians in the Commission. The Commission must be preponderatingly Indian and there must also be a fair representation of land-owners and tenants closely connected with the agricultural industry. The Commission must go into the interior and study the condition of rural life and not merely visit provincial centres to take down the evidence of Government members and Government nominees. Otherwise, even the little good that may come out of this Commission will be lost to the public and the Commission will in the end prove a costly futility. With these words I strongly support the Resolution moved by the Honourable Mr. Roy.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-official): Sir, as the Resolution which has been moved has been accepted by the Honourable Member in charge, there is very little for us to say. But, Sir, as one of the oldest Members of this House and as one closely connected with the agricultural industry, I wish to say a few words. The Honourable Member on my left, who said that he is perhaps the youngest Member here, apparently thought he had got new ideas when he spoke on the Resolution, but he has repeated some of the things which have been already said in this House before, because after all when the condition of the people has not been improved or changed, one cannot possibly say any new things If we look to the past history of agriculture in this country, we will see that every reform that was urged for the improvement of agriculture and the amelioration of the conditions of the agriculturists was turned down in this House and elsewhere. That shows what amount of interest our Government have been taking in agriculture. Therefore, Sir, unless these papers are laid on the table of this House, as urged by the Resolution, one is apt to think that this Commission has been forced on the Government by somebody else. The agriculturists who have been treated in a stepmotherly fashion heretofore, when they hear of the appointment of this Commission, will at once suspect that there is something in this Commission which may go against the interests of agriculture. But when we see generally that agriculturists in this country have already gone down to such low depths, that they cannot go lower, we can safely say that this Commission will not be able to do anything worse for them, and therefore, if it does anything at all, it will be for their benefit. All we hope is that when this Commission comes out, the Government of India will not whittle down its scope or restrict the terms of reference.

Another thing that I want to point out is that whenever a Royal Commission is appointed, the personnel is composed generally of those Members of the class which perhaps talks most but knows least. Therefore, I trust that in selecting the personnel of this Commission, care will be taken to see that some agriculturists are also put on it, and especially, as various provinces have various needs, it would be better to co-opt a few members from every province when the Commission visits each province to collect evidence. I can say, Sir, that nearly cent. per cent. of the
1 P. M. population of this country is connected with agriculture in some form or another. It has been urged that we need industrialists who know something about cotton and so on. If people like that come in, I think the agriculturists will have no place, so I do hope this Commission will be for agriculturists. Simply stick to this, take agriculturists only on it. As I do not want to repeat what has already been said and as the Resolution has already been accepted, I support the Resolution.

THE HONOURABLE PANDIT SHYAM BIHARI MISRA (United Provinces: Nominated Official): Sir, I think I can congratulate the Honourable the Mover of this Resolution on the reception which the Resolution has met with not only from the Official Benches, but also from the Swarajists. I hope, Sir, in view of this response, there will be no difficulties placed in the country in the way of the provision that may be made for the Royal Commission. I am not a politician and I do not wish to deal with the political aspects of the question. A reference has been made by two of our Swarajist speakers to agricultural indebtedness and one Member has particularly said that the co-operative department was so overpowered by red-tapeism that loans could not be received by agriculturists in time.

[Pandit Shyam Bihari Misra.]

I must confess, Sir, that I heard this remark with considerable surprise. I am a Registrar of Co-operative Societies in one of the provinces and I know Sir, by personal experience, that this department has the least red-tapeism about it. We have given almost full powers to societies themselves and they carry on their own business. Our only duty is to let them know how to avoid mistakes. If they are going to make any mistakes, we simply point them out; we do not interfere even then and permit them to make unimportant mistakes if they are bent upon making them. Therefore to say that this department is full of red-tapeism is, I think, not correct. Anyhow whatever the co-operative department is, it is connected with agriculture and I hope this Agricultural Commission will put any mistakes there may be in the Department right. In any case the proposal is sound and I am glad that it has met with such a good reception. I wholeheartedly support the Resolution.

THE HONOURABLE MR. MANMOHANDAS RAMJI VORA (Bombay: Non-Muhammadan): Sir, I welcome this Resolution and at the same time I want to know whether the question of economic holdings will be taken up by this inquiry. It is a very important subject and it has a great bearing on the agricultural poverty, and is a question which requires thorough investigation. This process of reduction in the holdings that is going on, and the division after division, which has led to the present state of agricultural poverty and indebtedness and also the poor condition of the agricultural stock, wants going into. The holders of these small holdings are not capable of looking after them; they simply keep them for the sake of keeping their ancestral property, and they neglect them, and I think this question should be thoroughly gone into and some solution for it found. With these remarks I support the Resolution.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-Official): Sir, before I ask you to close the debate, you will allow me to thank the Honourable Members who have supported me. It must be a source of great gratification to the Leader of the House that politicians of various schools of thought have warmly welcomed the idea of a Royal Commission. The Honourable Mr. Sethna has supported it on behalf of the industrialists, and my friend Mr. Ramadas Pantulu has supported it on behalf of the Swarajists and he has been followed by the Swarajist whip sitting on the other side of the House. Again my friend Mr. Shyam Bihari Misra, who is an official member from the United Provinces, has spoken and rebutted certain charges levelled against the co-operative movement. Sir, while I am grateful to the Leader of the House for accepting my motion and assuring us that he will place on the table copies of the correspondence which has passed between him and the Secretary of State, I feel it is my duty to rebut certain of his contentions. In the first place, he has told the House that he is not prepared to accept my reading of the two letters from the Provincial Governments. I have also read official letters and official documents for a good many years, and I am fairly convinced that the Provincial Governments of Bombay and Bihar have given him lukewarm support and a gentle protest. I leave him to read his own meaning into those letters and I shall retain my own. Then, Sir, as regards the personnel, I entirely agree with him. It is a matter of Royal prerogative, and I am sorry that he should have gone to provinces for advice and assistance. As regards the Canadian precedent I have nothing to say to his very wise remarks,

but I am sorry he did not listen to me properly. All I meant to say was that the Commission should not be tied down and no undertaking should be demanded from the Commission not to interfere in any way with the ministerial responsibility in the provinces. The Commission ought to be given a free scope to consider the agricultural question and the constitutional aspect of it from the purely all-India agricultural point of view, and I do not think there would be any objection if there is a clear case for revising the position of agriculture as a provincial transferred subject. Then, Sir, the third point that he has made is that he had taken the sense of the Legislature. I am quite sure that he has done that and he has met with a warm reception to-day. But I am quite sure at the same time that if he had wished he could have taken the verdict of the Legislature. He has not yet appointed the Royal Commission and I do not think the Royal Commission is coming into being till the next cold weather to do its work. He should have tabled a Resolution, in the same manner as Mr. Crerar did in regard to the Privy Council and taken the decision of both Houses. It would have then met with a warm response. The last point that remains is that he has given us a hint that there is nothing to debar this Commission from going into the three questions on which I placed my general protest, that is, land revenue, land assessment and agricultural indebtedness I dislike the idea of this Royal Commission making a recommendation for another Commission. This has become almost a habit. Only the other day a committee appointed by the Finance Department wanted another committee on economic survey, or something of that kind. I do not think, Sir, this diversity of Commissions will assist us. I think this Royal Commission should be allowed to go into the question of agricultural indebtedness, land revenue and assessment. I think my friend is not doing it because he is afraid of vested interests and is not so very anxious for the well-being of the rural population and of rural development. With these words I thank him again for accepting my Resolution.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council to lay on the table of this House the correspondence that has passed between the Government of India, the Secretary of State and the Provincial Governments on the question of the appointment of a Royal Commission on Agriculture'."

The motion was adopted.

RESOLUTION *RE* REDUCTION OF THE TRAVELLING AND DAILY ALLOWANCES OF MEMBERS OF THE COUNCIL OF STATE.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, I beg to move the following Resolution which stands in my name:

"That this Council recommends to the Governor General in Council to amend the rules relating to the travelling and daily allowances admissible to Members of this Council in such manner as:

(*a*) to reduce the period preceding the commencement and following the termination of a Session for which daily allowance may be drawn from seven to three days;

and

(*b*) to deprive non-official Members of the Council of State of their existing option of reserving a first class railway compartment for their personal use and drawing the actual cost of reserving the compartment in lieu of travelling allowance of 1 3/5ths of a first class fare."

[Dr. U. Rama Rao.]

Sir, it is most unfortunate and no one regrets it more than I do, that I should bring forward a Resolution of this kind, which would ultimately have the effect of encroaching upon the comforts and conveniences of the Honourable Non-official Members of this Council, a bit. It is the will of Providence, I think, that this newly-formed Council should commence its deliberations, by passing this self-denying ordinance. Let us, therefore, willingly and ungrudgingly make this small sacrifice and show to our electorates and to the outside world that we are not unworthy of the trust reposed in us, that we too are ready for any sacrifice for the sake of the motherland and that we have always a soft corner in our hearts for our less fortunate brethren. The Resolution I have just moved is quite simple, self-contained and self-explanatory. It needs no elaborate speech or comment. The genesis of the Resolution is briefly this. When, under the Government of India Act of 1919, that blessed Diarchic Constitution—that stone for bread, that we got from the British Cabinet and the British Parliament—was thrust down the throats of the unwilling Indian populace, it had brought in its train many evils, the chief among them being an unbearable top-heavy establishment and a huge financial burden. What with the post-war economic conditions and what with the heavy financial responsibilities consequent on the Reforms, the coffers of the Government became empty, and the Government of India and the various Provincial Governments were faced with large deficits in their Budgets year after year. Additional taxation was resorted to to meet these deficits and the helpless masses were deprived of even the due share of their daily necessities such as salt, besides being compelled to forego their conveniences, as a result of increase in the postal rates and railway fares. The cry of " Retrenchment " was, at this stage, raised throughout the length and breadth of the land and even the Government of India were forced to give heed to public opinion. The aid of the " Incheape axe " was at once sought for, which did its work, so far, admirably well. It pruned all the noxious growths in the subordinate ranks of the services, leaving the top severely alone. Even the military was subjected to a cut, though the cut was not deep enough and to the satisfaction of the public. The Heaven-born Services are, of course, untouchable and so had to remain outside the pale of the Incheape Commission. To elevate them and to improve their status, was the work of another commission, the Lee Commission, and that is beside our point now. The Incheape Committee also found it rather delicate to approach the Honourable the Ministers and the Members of the various legislative bodies with their weapon so soon. The Ministers in the various Provinces, however, voluntarily surrendered and offered their own quota of sacrifices, those in Madras consenting to forego Rs. 1,000 per mensem each, out of their salaries. With regard to the Councils, the Committee, while pointing out that the expenditure under the head "Legislative Bodies" had increased from Rs. 1,71,000 actuals in 1913-14 to Rs. 7 lakhs according to Revised estimates and to Rs. 8,50,000 according to the budget estimates of 1922-23, made the following observation at page 127 of their Report:

" The large increase which has taken place in expenditure since 1913-14, is due to the appointment of full timed presidents, since the expansion of the New councils, the longer sittings held under the reformed constitution and the grant of more liberal allowances to Members present in Delhi and Simla. The bulk of the increase is inevitable but we feel that the matter of reduction or otherwise in travelling and other allowances is one that should be left to the Legislature."

The reasons for this decision are not far to seek. The Inchcape Committee knew that the Legislative Assembly and the Council of State would realize the gravity of the situation and would themselves take the initiative in this respect and so left the whole question to the good sense of the two Houses. So far as the Legislative Assembly was concerned, their anticipations were fulfilled. The Assembly decided, at the time of voting of Demands in connection with the Budget for 1923-24, to reduce the daily allowances admissible under the old rules to the Honourable Members of that House. Under the old rules, for 7 days before the commencement of a Session and for seven days after the conclusion of a Session, Members of the Assembly as well as Honourable Members of this House could have their daily allowances. The Assembly thought that this was extravagant and reduced the grant of daily allowances to 3 days, before the commencement of a Session and 3 days after. This was no doubt, a voluntary sacrifice on the part of the Assembly in the interests of economy. Subsequently, when the allowances for the Members of the Council of State came under discussion, there was a motion made by one of the Honourable Members to reduce the daily allowances of this House and also to reduce the travelling allowances. It may here be pointed out that in the matter of travelling allowances, the Honourable Members of this House have the privilege of reserving a first class railway compartment for their personal use and drawing the actual cost of reservation in lieu of $1\frac{3}{5}$ths first class fare admissible under the rules. The then Law Member, the Honourable Dr. Mian Sir Muhammad Shafi, intervened and appealed to the Members of the Legislative Assembly not to press these motions there but to leave them to the Council of State to decide. The Resolutions were withdrawn in the Assembly, on the Honourable the Law Member giving an undertaking to place a motion before this House for the revision of the rules regarding daily and travelling allowances admissible to the Honourable Members of this House and to take away the privilege of reserving a first class compartment from the Official Members. Accordingly, on the 17th July, 1923, the Honourable the Law Member moved a Resolution before the old Council in the following terms:

"This Council recommends to the Governor General in Council that, with effect from the beginning of the next Session, the travelling and other allowances of the Members of the Council of State be placed on the same footing as those of Members of the Legislative Assembly."

But the old Council stood unmoved and adamant. While most of the Honourable Members were willing to forego at least the 4 days' daily allowances at the commencement and conclusion of a Session, they were not prepared to give up the privilege they enjoy in regard to railway travelling. They said in effect:

Kings may come and kings may go,
But we must go in saloons all the same.

The discordant note was first struck by a European Member, the Honourable Sir Edgar Holberton, hailing from Burma as the representative of the Burma Chamber of Commerce. He said:

"Most of us are people of a certain age in life, busy men, people whom it does not do any good to be hustled and bustled and crushed in railway carriages."

If this is the lot of first class railway passengers, I wonder what must be the fate of third class passengers, who are huddled together in each compartment in numbers far in excess of the seating accommodation provided therein? The Burma trade magnate's description of the woes of

[Dr. U. Rama Rao.]

a first class passenger was, to say the least of it, bordering on exaggeration. Among the other dissentients, who were all sons of the soil, one Honourable Member said that the privileges and dignities of the House should be maintained at any cost. A third Honourable Member began to attribute motives to the Legislative Assembly but had to withdraw his remark subsequently. A fourth Honourable Member suggested a compromise by which the Resolution was to have effect until the financial conditions of the Government of India improved. The only solitary voice that was heard in support of that Resolution was that of Sir Maneckji Dadabhoy from the Central Provinces. The motion was finally put to the vote and negatived. Thus ended the history of the first onslaught against the allowances of the Honourable Members of this Council. I cannot say if my Resolution will share the same fate. I have ventured to put it before you with the full hope that you will reconsider the old decision. If this Resolution is carried, a saving approximately of Rs. 15,000 per annum might be anticipated. The financial condition of the Government of India is no better now. There is the huge millstone of the provincial contribution still hanging heavily round the necks of Madras, the Punjab and the United Provinces. The transferred half in the several provinces is as starved as ever and no improvements can be effected in the life-giving, life-ennobling and life-sustaining branches of administration such as the departments of Medicine, Education and Industries are. You know this Resolution has been blessed already by the Government of India and sprinkled by the Legislative Assembly. It now remains for this Council wholeheartedly to adopt it. With these words, I commend it for your kind acceptance.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): On a point of order, Sir, before the Honourable Mr. Ramadas Pantulu moves his amendment, I would like to say that proper notice of it has not been given and I take objection under Standing Order 64, since notice of the amendment was only given on the 13th.

THE HONOURABLE THE PRESIDENT: In view of the fact that at the moment Mr. Secretary is not able to supply me with the Honourable Member's notice, perhaps we might defer the Honourable Member's amendment and proceed with the debate on the Resolution. I am not able to give a definite ruling on the point now immediately, because I have not got the Honourable Member's notice. When it arrives I shall be in a position to do so.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-official): Sir, may I speak on the same point?

THE HONOURABLE THE PRESIDENT: On the Resolution.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Sir, the best way, I think, of taking away all these things in the shape of allowances and honours, etc., that our friend has mentioned in his Resolution, is for him to leave this House and go into the other House. But to come here, as one would call it "as a spy" and then bring forward a Resolution like this . . . . .

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: I object to the word "spy", Sir; it is not parliamentary language.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: I do not think there is anything in it.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Spy is not a parliamentary word to use.

THE HONOURABLE THE PRESIDENT: The Honourable Member has obviously not meant anything derogatory either to this House or any Honourable Member here.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: You are in this House, and yet you are against this House; that is all I intended to say. There are men in this House who, I think, by coming here sacrificed many thousands of rupees, if it could be counted in terms of money. I for one would have rather liked that there should be no emoluments or anything of that sort at all, and that Members in this House should come here entirely at their own expense to assist and do public service. If that was the case, I shall be the first to forego everything like that. But if anything is to be given, then one ought to consider what that should be. Of course this House is a bit different from the other House. If it was not, there would be no use whatsoever in having two Houses. The reason why this House was constituted was this: that some hot-headed people might want to change everything in the shape of administration at once and might want to bring in revolution or even sometimes want to help Criminals, etc., etc. They do not see things from a different point of view; that is they do not see that this is their country, and, therefore, those who have a stake in the land should see that nothing happens which would be detrimental to it. That is why we should have elderly men and men of a particular position in this House. In fact this House was meant to attract such people. Of course the franchise being put very low, lots of people can come in and when they do so they come with different ideas as naturally they can live on less money, perhaps they want to cut others down to the same level. I think these Members especially, who were present when this proposition was vetoed before should naturally stick to their guns and see that this Resolution is defeated. The principle should be that either you should not take anything at all, or should take something according to the dignity of the House. With these words, Sir, I would ask the House not to sympathise with such a Resolution but to reject it.

THE HONOURABLE THE PRESIDENT: With reference to the point of order which has been raised by the Honourable Mr. Desika Chari, the notice given by the Honourable Mr. Pantulu has been handed to me, and I find it is a somewhat curious coincidence that whereas it was 1-20 by the clock when he rose to move his amendment, the notice of his amendment was handed in at 1-20 on Saturday last, which makes it exactly forty-eight hours' notice which he gave before he attempted to move it. The Standing Order requires two days' clear notice. I am not aware that in this House any interpretation has yet been given of the expression "two clear days", whether it means two clear days from midnight to midnight must have elapsed before an amendment is moved, or whether it means a clear forty-eight hours. In this case, the Honourable Member's amendment merely adds one small item to the main Resolution moved, and I should in any case feel inclined to exercise my discretion in his favour and allow him to

[The President.]

move the amendment inasmuch as I cannot feel that the House will be taken by surprise in the matter.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammedan): Sir, I beg to move the following amendment to the Resolution moved by my Honourable friend Dr. Rama Rao:

"That this Council recommends to the Governor General in Council that the Members of this Council be placed on the same footing as the Members of the Legislative Assembly in the matter of honours, emoluments and allowances.

On second thoughts I considered that my friend who moved the original Resolution was, perhaps, well advised in framing it in the way he did, because he did not invite his formidable official colleagues into the combat. My amendment, as the House will notice, embraced the officials also because I mentioned the word "honours". At present in addition to the advantages which we non-official Members enjoy in the matter of allowances and emoluments, all of us enjoy the privilege of prefixing the word "Honourable" to our names and therefore my amendment applies to official as well as to non-official Members of this House. Sir, in moving this amendment, I wish to assure this House that I have not the slightest intention of compromising the dignity or wounding the susceptibilities of any section of this House.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: Question?

THE HONOURABLE MR. V. RAMADAS PANTULU: If I had not believed in the dignity and the use of this House, I would not have myself sought election to it. Therefore, I may assure my Honourable friend Sir Umar Hayat Khan that I am at one with him in doing nothing to lower the prestige or the honour of this House. I also beg to assure this House that, so far as the present Resolution is concerned, I am perfectly willing to concede that the gentle dignity of the representatives of the aristocracy, the benevolent autocracy of the representatives of the bureaucracy and the sound idealism of the representatives of the democracy are all harmoniously blended in this Chamber. At the same time, I wish to point out that this House is so constituted by the framers of the reformed constitution as to be a preponderatingly elected Chamber, following the models of the later constitutions both in the Dominions and on the Continent. And some of you who were here when His Excellency the Viceroy dissolved the first Council of State might remember that he drew pointed attention to the fact that this House consisted of a majority of elected representatives, and that statement was coupled with the promise that, as time went on and His Excellency found increasing confidence in the House perhaps by way of responsive co-operation, His Excellency would try to diminish the official strength and increase the non-official strength of the Council. Therefore, I would point out to the Members of this House that we are an essentially

elected body and that the elected representatives are drawn from a class of persons who might indiscriminately seek election either to this House or to the Legislative Assembly. Some of my most distinguished colleagues in this House were themselves Members of the Legislative Assembly. My friends from Bombay the Honourable Mr. Phiroze C. Sethna and Mr. Manmohandas Ramji were Members of the Legislative Assembly .

THE HONOURABLE MR. PHIROZE C. SETHNA: I was not.

THE HONOURABLE MR. V. RAMADAS PANTULU: I believe Mr. Manmohandas Ramji was there. At any rate, some of them were there. Therefore, when I have asked for the Members of this Council being placed on the same footing as the Members of the Legislative Assembly, I have done nothing which violates or offends our notions of dignity. Dignity attaches to the individual Members of this House and not to this Chamber as a whole. Therefore, if we can be elected representatives either of this House or of the other House, I really do not see how we suffer in dignity or prestige by being placed on the same footing as the Members of the other House.

I just looked into the practice that obtains in the Dominions Parliaments and in some of the continental countries within the short time I had at my disposal, and I find that in the matter of emoluments, honours and allowances the Members of the lower and upper Houses in many countries are placed exactly on the same footing. In Australia the Members of the Senate and the Members of the House of Representatives both get a fixed allowance of £400, and also get a free railway pass. Similarly, in South Africa the Members of the Senate and the Members of the Assembly are entitled to the same allowance, they get £400, and are entitled to a free railway pass. In France, as you perhaps know, the Members of the Senate and the Chamber of Deputies get 9,000 francs and there is no distinction in other matters. In Denmark the Members of the Landsthing, that is the Upper House, and the Members of the Folkething, that is the Lower House, get the same emoluments. Therefore, in those countries which are self-governing, the Members of the Upper House evidently do not feel that their dignity suffers in any way by their being placed on the same footing as Members of the Lower House. It is true that in Canada there is a distinction, but in the Canadian constitution, the Upper House has come in for a lot of adverse comment . . . .

THE HONOURABLE MR. PHIROZE C. SETHNA: From?

THE HONOURABLE MR. V. RAMADAS PANTULU: From many critics. I can quote from Goldwin Smith. He says in "Canada and Canadian affairs" that the Upper House, surrounded by derisive state, enjoys an ironical respect. He says that the ceremonious environment, the social precedence and the attributes of the Senators are trappings of impotence. No doubt he uses very strong language, but there are other critics as well of the Canadian Upper House. Therefore, I do not think that the privileges which the Senators enjoy have enhanced their dignity. but found many detractors. It all depends on the way we conduct the affairs of the State and not on the name we give ourselves. I do not wish to enter into the financial question, because my Honourable friend Dr. Rama Rao has dealt with it. But though the amount spent on the Members of the Council of State as additional allowance may be small comparatively, the

[Mr. V. Ramadas Pantulu.]

question is whether we are not prepared to place ourselves on a footing which is equal to that of the popular representatives of the Assembly, especially as we are drawn from classes not different from those from which the Members of the other House are drawn.

The electoral qualifications may be of a different type but any one of us may be there or any one of them may be here. A member of any Legislature is entitled to be a Member of any other Legislature, *e.g.*, a Member of a local Legislative Council can be a Member of the Assembly or of the Council of State. I think from the tax-payer's point of view it is also necessary to ensure that the elected representatives of the Upper Chamber do not draw any more than what is absolutely necessary. In fact, it is necessary that the whole question of the emoluments should be gone into, and if any Member of this House had proposed a Resolution for the appointment of a Committee to go into the whole question, I would have gladly welcomed such a proposal. I may inform the Honourable Members here that in some Parliaments like the South African Parliament every Member of the Senate who absents himself for a day loses £3. If attendance in this Chamber is sought to be enforced and if it is laid down that we will have to forfeit a portion of our emoluments for every day's absence, it would not be a bad idea. The idea would be to get Members to attend to their duty. The whole question is one of merely providing the necessary means for the Members to attend to their duties in this Chamber. I will therefore very strongly urge on this House the desirability of accepting the Resolution in the form in which it has been amended by me.

One word more and I have done. I gave notice of a similar Resolution in the first Council of State but it was not reached because I could not ballot for it before the business of the House was over. Therefore it is not a new idea that has struck me. As I saw my friend Dr. Rama Rao bringing a Resolution in a form which substantially agreed with mine, I have merely brought in an amendment. I appeal to you not to attach any very great weight to the word "Honourable". Of course we are all honourable men and I know will be honourable men without this prefix, and our honour depends not upon calling ourselves "Honourable" but on the way in which we safeguard the country's honour. With these words, Sir, I commend my amendment for the acceptance of the House.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, while the Government are prepared to welcome the original Resolution if the non-official Members think fit to pass it, I am afraid Government must oppose this amendment, only because it also seeks to deal with the question of honours. The conferment of honours is a prerogative of the Crown which in this country is delegated to His Excellency the Viceroy and not to the Governor General in Council. Therefore, the Governor General in Council is not concerned with the question of the honour which the Members of this House bear, and I would like to point out that a Resolution which seeks to recommend this to the Governor General in Council is in a sense not really in order, because the Governor General in Council, as I pointed out, has no power with reference to the question of the conferment of titles. That is one of the reasons why the Government are opposing this amendment.

Besides that I would ask this House to consider whether there should not, in fact, be a distinction between the two Chambers, because, after all, this is a revising Chamber and I think that, although there are one or two exceptions, the Honourable Mover of the amendment will find on further investigation that practically all the revising Chambers in the Dominions, with the exception of Australia and one or two other places, have this dignity conferred on their Members. I would also like to point out to this House that it is not a question of the dignity of a particular Member or Members of this House. The honour is conferred on the Members of this House really as a matter of dignity of the House and not of the particular Member. I would therefore ask this House to consider whether the distinctive title which is given to Members of this revising Chamber should not be continued.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-Official): Sir, if you will permit me, I will move an adjournment of the debate *sine die*. I will give my reasons. In the first place I do not consider that an open House is the proper place for a discussion of privileges. In all other countries it is discussed by a Committee of the House, and if my friend Dr. Rama Rao will, towards the latter part of the Session, move for a Committee, we shall be very glad to support him. I have already consulted my friend Dr. Rama Rao on this point and he is not altogether opposed to an adjournment of the debate. I will give you my further reasons. My friend Mr. Ramadas has referred to Colonial practice, but I think he is slightly mistaken about Australia. In Australia Members get £1,000, in South Africa it is £400 and in Canada it is 4,000 dollars for both Houses. But, Sir, in India the conditions are quite different. All these Members have no prospect of getting into the Cabinet of the Empire for a good many years to come, and they serve only as non-official advisers. Many of them are even out of pocket. I myself, although I have not been able to receive a single penny so far, have been out of pocket for doing what I consider my effective parliamentary duties. I think, Sir, the time has come when the whole question should be considered on a broader outlook than the parochial needs of this House. In my opinion, Sir, I feel that we should consider the present legislators as well as the prospective legislators and give them an economic interest in their parliamentary duties. I have often felt that the duties asked of Members are badly and indifferently done because of the Members having no interest in coming long distances and attending to their parliamentary duties. With these observations, Sir, I propose that the discussion be adjourned *sine die*.

THE HONOURABLE THE PRESIDENT: As Honourable Members are aware, it is entirely within the discretion of the Chair whether it will accept an amendment of the nature which has been moved by the Honourable Mr. K. C. Roy and put it to the House. There are obviously occasions when a motion of that kind should not be put to the House. It seems, however, that the Honourable Mover of the amendment has given some cogent reasons why the debate should be adjourned. I say that without desiring to express any opinion on the merits of the case at all. I therefore accept his amendment and I put it to the House. The amendment moved is:

"That this discussion be adjourned *sine die*."

[The President.]

Members will, for the present at all events, confine themselves to that amendment.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: I think, Sir, the amendment is very sound.

(No other Honourable Member rose to speak.)

THE HONOURABLE THE PRESIDENT: If Honourable Members do not wish to speak on that amendment, I will put it to the House.

The original motion was:

"That the Resolution standing in the name of the Honourable Dr. Rama Rao be adopted."

Since which an amendment has been moved by the Honourable Mr. Ramadas Pantulu to substitute other words for the text of the original Resolution, and a further amendment has been moved, that this discussion be adjourned *sine die*.

The question is:

"That this discussion be adjourned *sine die*."

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): With your permission, Sir, I desire to supplement and in some respects to modify the statement which I made at the conclusion of our last meeting. After the presentation of the Railway Budget on Thursday next, time will be given for the discussion of the Honourable Mr. Sethna's Resolution standing in his name on to-day's list of business. In view of this arrangement, the reason for which has already been explained to Honourable Members, the two small Bills which were to have been taken on that day have been included in to-morrow's list of business which is already in the hands of Honourable Members. On the other hand, the Trade Unions Bill, which was to have been taken to-morrow, will now be deferred to a later date which will be announced in due course. In deference to wishes expressed by certain Honourable Members the Contempt of Courts Bill will not be taken before Tuesday, the 2nd March, while the two Bills which were laid on the table to-day,—the Naturalisation Bill and the Insolvency (Amendment) Bill—will probably be proceeded with on Tuesday, the 23rd February.

The Honourable Mr. Chadwick's Resolution regarding the action to be taken on Chapters 4 and 5 of the Report of the Indian Tariff Board will be moved either on that day or on Thursday, the 25th February.

The Council then adjourned till Eleven of the Clock on Tuesday, the 16th February, 1926.

APPENDIX A.

ROYAL COMMISSION ON AGRICULTURE.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, NO. 83-C., DATED THE 13TH NOVEMBER 1925.

The Government of India have, as you are aware, for some time past, been anxiously considering what steps should be taken to develop and improve agriculture in this country. The Central Government have long felt that there is room for greater development and co-ordination of effort generally in India; and that it is incumbent upon the Central Government to set on foot investigations in this direction with a view to assisting the Provincial Governments towards this end. The necessity for action has been fully explained and endorsed by observations made in speeches during the last few months by you and by the Governor-General. In latter's speech at the opening of the Simla session of the Indian Legislature in August last, he referred to a scheme for the formation of a Central Board of Agriculture to assist in co-ordinating Provincial activities and in promoting and extending existing systems of research and education. Since then, after careful consideration of the scheme, we have come to the conclusion that it cannot be expected to yield the desired results. Government of India feel that the Board is unlikely to command sufficient authority and weight to effect the required improvements or to be sufficiently detached in outlook to scrutinise the agricultural activities of the Central and Provincial Governments from a fresh angle of view and to make recommendations or suggestions for reform of real permanent value. We strongly feel that the requirements of the situation could only be met by the appointment of a Royal Commission so constituted as to include members from outside India possessing knowledge and experience of agriculture in other countries together with members from India with local knowledge of agriculture and rural economy and in sympathy with the Indian agricultural population. Before consulting Local Governments and making more precise recommendations after ascertaining their views regarding a Royal Commission, we desire to let you know of our conclusions and to acquaint you with the scope of the work which we contemplate should be undertaken by the Royal Commission, if appointed. Our suggestions are embodied in the form of a portion of a suggested draft of instructions or terms of reference which are contained in my telegram next following. The position of agriculture, as a transferred Provincial subject, the necessity of excluding from purview matters of jealous interest to Local Governments, such as revenue and irrigation charges, and the expediency of not arousing any apprehension of disturbance of the relation between landlords and tenants, has made the drafting of the terms a matter of considerable difficulty and delicacy. The terms as now drafted are the result of very careful examination and discussion by the Government of India.

Before consulting Local Governments as to the scheme for recommending the appointment of a Royal Commission, we desire to receive your approval to our communicating the general scheme and the general purport of the draft terms on which we are agreed to Local Governments for their opinion, informing them that you and the Government of India are inclined to favour a Royal Commission and with terms of reference as suggested.

Before reaching final conclusions we desire to consult the Local Governments upon these matters. It is recognised that there may be necessity later to make verbal alterations in the draft terms.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, No. 84-C., DATED THE 13TH NOVEMBER 1925.

The following are the draft terms of reference referred to in our immediately preceding telegram:—

Generally—

To examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population.

In particular, to investigate—

(*a*) the measures now being taken for the promotion of agriculture and veterinary research, experiment, demonstration and education, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock;

(*b*) the existing methods of transport and marketing of agricultural produce and stock;

(*c*) the method by which agricultural operations are financed and credit afforded to agriculturists;

(*d*) the main factors affecting rural prosperity and the welfare of the agricultural population and to make recommendations.

It will not be within the scope of the Commission's duties to examine the existing system of land-ownership and tenancy or of the assessment of land revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the Commission shall be at liberty to suggest means whereby the activities of the Government of India may best be co-ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, No. 346-S., DATED THE 20TH NOVEMBER 1925.

No. 3073. Royal Commission on Agriculture. I warmly welcome your telegram of November 13th. You may certainly say, when addressing Provincial Governments, that I am in cordial agreement with your view that this enquiry should be initiated and that, subject to any criticisms which Local Governments themselves may offer, I am of opinion that the general purport of the terms of reference is suitable. But I offer some observations on these terms.

I should prefer to alter word "examine" in (*d*) to words "make recommendations regarding". I agree that Commission, if for no other reason than that it is not qualified, cannot be expected to deal with such questions as relationship of landlords and tenants, land revenue systems, assessments or irrigation charges. Nevertheless, it is inevitable that witnesses will refer to them during enquiry, and I do not think that Commission should be precluded from examining witnesses on them with a

view to eliciting whether and to what extent present conditions of agriculture, etc., are affected by them, and although Commission should certainly not investigate these subjects or make specific recommendations in respect of them I consider it should not be precluded from referring to them as matters directly connected with the main question under enquiry.

TELEGRAM FROM THE VICEROY TO THE SECRETARY OF STATE, No. 213-C., DATED 2ND DECEMBER 1925.

Royal Commission on Agriculture. The change has now been accepted by the Members of my Council and we are addressing Local Governments.

CIRCULAR LETTER TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS, DEPARTMENT OF EDUCATION, HEALTH AND LANDS, No. 1637, DATED THE 4TH DECEMBER 1925. (CONFIDENTIAL.)

I am directed to invite a reference to the remarks of His Excellency the Viceroy, in his opening address to the Indian Legislature on August 20th, 1925, on the subject of Indian Agriculture. His Excellency then said "My Government, while giving due attention to industries in the restricted sense of the term, are determined, so far as circumstances permit, not to neglect the interests of what is really the greatest of all Indian industries, namely, agriculture. I know from my discussions with the Secretary of State that my Government can rely upon his most cordial support of this policy. The direct responsibility of the Government of India for agricultural development in the Provinces ceased with the inception of the Reforms. In view, however, of the paramount importance of agriculture as the basic industry of the people of India, of the improbability of Provincial Governments being in a position to undertake research on the scale required and of the necessity for co-ordinating activities in the wide field of agricultural development, the Central Government must continue to play an important part in agricultural progress". Striking progress has undoubtedly been made in recent years in many directions in promoting the science of agriculture and introducing improvements; and both the Central Institutions under the Government of India and the Departments of Agriculture in the Provinces under the charge of Ministers of the Local Governments have every reason to be proud of the results of their activities and the sum total of their achievements. Nevertheless in view of the great importance of agriculture to India and of the large numbers of the population engaged in the industry and wholly dependent upon it, the Government of India feel that there is room for more extensive co-ordination of effort towards agricultural improvement. No possible step should be left untried in making available to those concerned in the industry the latest scientific and practical knowledge. Nothing which holds out promise of amelioration in conditions, should remain unexplored. It cannot be gainsaid that the average standard of production and the general level of rural welfare in India is lower than that prevailing in other countries where there has been for some time past marked concentration on agricultural problems. The agricultural practice in many parts of India also is admittedly still primitive and the bulk of the agricultural population is generally unversed in modern methods of improvement. This situation calls for remedy of a comprehensive nature; and the Government of India feel that the time

is opportune for examination of means of strengthening activities by co-ordination and of methods for applying the fruits of experience in other countries to the solution of the problems of agricultural conditions in India. After correspondence with the Secretary of State and exploration of various methods of fulfilling this purpose, the Government of India are inclined to think that the objects which they have in view can best be attained by the recommendation of the appointment, at the earliest possible date, of a Royal Commission on Agriculture in India. The Secretary of State is disposed to agree with the Government of India, and the Government of India wish to consult local Governments as to the proposal and the draft terms of reference.

2. I am to explain that in arriving at this conclusion, the Government of India have no intention of interfering with the full control of local Governments over this subject which is in most of its aspects both provincial and transferred. Their object is not to curtail but to supplement the work which is now being carried on in the Provinces. The proposed terms of reference, of which I am to enclose a copy, will make clear to the local Government / Administration the precise scope of the enquiry which it is proposed to entrust to the Royal Commission. It is the hope of the Government of India that the terms of reference as drafted will enable the Commission, as a result of its investigations, to make recommendations which will be of value to Ministers responsible for agriculture in the Provinces and to Local Administrations as well as to the Central Agencies working under themselves in connection with agricultural and veterinary research and education. It will be observed that all questions connected with land tenure and the rates of land revenue assessment and irrigation charges are specifically excluded from the field of the Commission's recommendations. Systems of land-ownership and tenancy are extremely technical and vary from Province to Province. The principles on which the system of land revenue assessment and irrigation charges rests, are generally well known and recognised in India. Although these questions have in a sense a definite connection with rural conditions, it appears to the Government of India undesirable and unnecessary to invite a Commission, primarily devoted to examination and report regarding agricultural improvement to burden their enquiry by exploration into these subjects for the purpose of making recommendations concerning them. They will be glad to consider any comments which the local Government / Administration desire to offer on the main proposal and the suggested terms of reference. It is specially requested that the replies should reach them not later than the end of the year.

3. I am to add that the Royal Commission will be instructed to place themselves in communication with local Governments on their visit to any province and to carry on their investigations and to take evidence in close consultation with the Ministers responsible for agriculture, co-operation, and the other subjects that come under their consideration.

Proposed terms of reference.

Generally,

To examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population;

In particular to investigate—

(*a*) the measures now being taken for the promotion of agricultural and veterinary research, experiment demonstration and education, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock;

(*b*) the existing methods of transport and marketing of agricultural produce and stock;

(*c*) the methods by which agricultural operations are financed and credit afforded to agriculturists;

(*d*) the main factors affecting rural prosperity and the welfare of the agricultural population;

and to make recommendations.

It will not be within the scope of the Commission's duties to make recommendations regarding the existing systems of landownership and tenancy or of the assessment of land revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the Commission shall be at liberty to suggest means whereby the activities of the Governments in India may best be co-ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments.

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, AGRICULTURE DEPARTMENT, No. 786, DATED THE 10TH DECEMBER 1925.

I am directed to reply to your confidential letter No. 1637, dated December 4, 1925, regarding the proposal to appoint a Royal Commission on Agriculture.

2. The Governor, acting with his Ministers, welcomes the appointment of such a Commission, the more so, as it is meant to supplement the work now carried on by provincial departments and is expressly precluded by the proposed terms of reference from interfering with the existing division of functions between the Government of India and the local Governments.

3. This Government consider the terms of reference to be suitable and agree that the Commission should confine its inquiries to matters that bear directly on agricultural improvement.

LETTER FROM THE CHIEF COMMISSIONER OF COORG, No. C.-4212—758, DATED THE 15TH DECEMBER 1925.

I have the honour to refer to your confidential letter No. 1637, dated the 4th December 1925, and to state that the proposed Royal Commission will be cordially welcomed.

LETTER FROM THE SECOND SECRETARY TO THE GOVERNMENT OF ASSAM, No. AGRI.-702—7673-G.J., DATED THE 16TH DECEMBER 1925.

I am directed to acknowledge the receipt of your letter No. 1637, dated the 4th December 1925, and to say, in reply, that His Excellency the Governor and his Minister consider the time ripe for an authoritative examination of the position of agriculture in India and agree that it could best be

carried out by a Royal Commission. They have no comments to offer on the terms of reference which seem suitable.

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, No. 2777-D., DATED THE 18TH DECEMBER 1925.

With reference to your letter No. 1637, dated the 4th December 1925, I am directed to say that the Government of Bihar and Orissa welcome the proposed appointment of a Royal Commission on Agriculture in India and they consider the terms of reference sufficiently wide.

2. The local Government think, however, that the attention of the Royal Commission should be called, at the outset, to the necessity of considering separately the problems of the various parts of India. Owing to local circumstances, these problems vary considerably in the different provinces, and it would seem desirable that the Commission should report separately on the circumstances of the main divisions of the country in the same way as was done by the Indian Sugar Committee. While it may be possible to recommend the general lines of policy applicable to India as a whole, the area is so vast and the local conditions are so diverse that if such recommendations are to be of practical use, they must be supplemented by specific advice as to the special measures required in the different parts of India, which have so far developed on very different lines. The local Government suggest, therefore, that the first paragraph of the proposed terms of reference might be amended by the addition of the words "the several provinces of" before "British India" in line 2.

LETTER FROM THE FINANCIAL COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF THE PUNJAB, DEVELOPMENT DEPARTMENT, L., No. 4604-D., DATED THE 21ST DECEMBER 1925.

In reply to your confidential letter No. 1637, dated 4th December 1925, I am directed to say that His Excellency the Governor in Council welcomes the proposal to appoint a Royal Commission, which will deal with matters of unique importance to this province.

2. With regard to the terms of reference, I am to suggest that the enquiry should embrace a reference to the suitability of existing educational methods and curricula as applied to the needs of the rural population, and to the possibility of providing a better ground work for those who desire study in agricultural courses.

3. Your letter under reply recognises that agriculture is a Transferred Department in charge of Ministers. His Excellency the Governor in Council has no doubt that the Royal Commission, when pursuing its enquiries, will take cognizance of the position and responsibilities of the Ministers and will associate them fully in their proceedings. It should, in the opinion of His Excellency the Governor in Council, be open to Ministers to suggest lines of detailed enquiry required in the particular interests of their own provinces, and to seek the advice of the Royal Commission on any point of importance to the Departments of which they are in charge.

4. I am to add that, in view of the circumstances of the case, it is hoped that the Government of India will consult His Excellency the Governor and his Ministers regarding the personnel of the Royal Commission.

TELEGRAM FROM THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 279-1, DATED NAGPUR, THE 23RD DECEMBER 1925.

Proposed Royal Commission on Agriculture. Absence of Minister, who might have views to submit regarding all-India treatment of transferred subjects, places Central Provinces Government in peculiar position. Subject to this, this Government fully approve appointment of Royal Commission and will gladly co-operate in its work. Regarding proposed terms of reference it has no suggestions to make.

The foregoing is with reference to Agricultural Department letter dated December 4th.

LETTER FROM THE GOVERNMENT OF BURMA, No. 345-O.—25, DATED THE 21ST DECEMBER 1925.

In reply to your letter No. 1637 (Confidential), dated the 4th December 1925, I am directed to say that the Government of Burma (Ministry of Agriculture) cordially approves the coming of a Royal Commission on Agriculture to Burma, and considers that the proposed terms of reference are suitable.

LETTER FROM THE GOVERNMENT OF BENGAL, No. 6534, DATED THE 23RD DECEMBER 1925.

I am directed to invite a reference to your letter No. 1637, dated the 4th December 1925, and to state that the Government of Bengal agree with the Government of India in the view that the time has now come when an enquiry into the means of strengthening agricultural activities by co-ordination and of the methods for applying the fruits of experience in other countries to the solution of the problem of agricultural conditions is likely to be of great assistance to the further development of the agricultural industry in India. His Excellency the Governor in Council agrees that the only satisfactory method of conducting such an enquiry would be through the agency of a Royal Commission.

The terms of reference suggested for the proposed Commission in your letter under reply appear to the Local Government to be generally suitable and would presumably cover an investigation into measures for the introduction of agricultural machinery and implements, methods of compilation of agricultural statistics and the facilities at present existing for co-operative purchase of agricultural requirements and co-operative sale of agricultural produce. In the opinion of this Government these are subjects which should also come within the purview of the Royal Commission's investigations.

LETTER FROM THE GOVERNMENT OF MADRAS, No. 1884, DATED THE 21ST DECEMBER 1925.

In reply to your letter No. 1637-Agri., dated 4th December 1925, I am directed to report that His Excellency the Governor acting with his Ministers welcomes with pleasure the proposal to appoint a Royal Commission at the earliest possible date to examine and report on the present conditions of

agriculture and rural economy in British India. This Government has no doubt that the appointment of such a Commission would afford valuable assistance in solving the many problems now awaiting solution in connection with the agriculture of the country and in focussing public attention on the subject of agricultural improvement and the part it plays in rural prosperity. The proposed terms of reference do not call for any special remarks except that His Excellency acting with his Ministers considers it desirable to include specifically in their scope the application of co-operative principles to agriculture in all its aspects, such as production, credit, marketing, etc. The importance of this subject has been recognised in several Western countries and in Japan.

LETTER FROM THE CHIEF COMMISSIONER, AJMER-MERWARA, No. 782-P., DATED THE 23RD DECEMBER 1925.

I have the honour to acknowledge the receipt of your letter No. 1637, dated the 4th December 1925, and to state that I have no comments to make as I consider the terms of reference sufficiently comprehensive.

LETTER FROM THE CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE, No. 1072-REV., DATED THE 23RD DECEMBER 1925.

In reply to your confidential letter No. 1637, dated the 4th December 1925, I have the honour to state that the opinions of my District Officers and of those other officers whom time has allowed of my consulting, are unanimously in favour of the proposal to appoint a Royal Commission on Agriculture in India. With that consensus of opinion I am in entire agreement.

The proposed terms of reference seem to me to be suitable and sufficiently comprehensive. There is, however, one suggestion which I venture to make with regard to point (*d*) of the proposed particular terms of reference and that is that the terms may include a specific direction to investigate the means by which it may be hoped that the cultivator can be made a match for the professional money-lender. As Mr. Darling remarks in his "The Punjab Peasant in Prosperity and Debt," page 280:—

> "The cultivator sows that another may reap, and toils that his creditor may gain. Of what use to him, then, are all the devices for improving the quantity or the quality of his harvest".
>
> * * * * *
>
> "and to the Indian cultivator no freedom is possible till the power of the money-lender is broken."

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF BOMBAY, REVENUE DEPARTMENT, No. 5426-A./24-CONFDL., DATED THE 30TH DECEMBER 1925.

Proposed appointment of a Royal Commission on Agriculture in India.

I am directed by the Government of Bombay (Transferred Departments) to acknowledge the receipt of your letter No. 1637, dated 4th

December 1925, inviting the views of this Government on the proposed appointment of a Royal Commission on Agriculture in India and the suggested terms of reference thereto.

2. In reply, I am to state that in the opinion of this Government the problems of agriculture are largely local in character and even the results of general research frequently require prior local investigation before they can be applied successfully to any particular area. The Government of India are aware, that much useful work has been done in this Presidency as in other Provinces in defining local problems and determining their solution. An extension of these activities has been limited only by the financial stringency from which this Presidency, in common with other Provinces, has suffered. The Government of Bombay recognise that the findings of a Royal Commission on Agriculture would throw much light on numerous important problems connected with that industry. In particular, should the appointment of the Commission result, as is anticipated in paragraph 1 of your letter, in research work on a larger scale than hitherto being undertaken by the Government of India, it would be of very great value. The Government of Bombay however believe that much of the work of the Commission would require to be supplemented by local investigation which they, and possibly other Provincial Governments may be unable to undertake in their present situation. I am therefore to state that while they would welcome in several respects the appointment of the proposed Commission, they feel bound to point out that the full measure of its benefits might be lost to the Provinces by their inability to apply or follow up the results of the inquiries.

3. With regard to the proposed terms of reference, the Government of Bombay are in full agreement with the view that all questions connected with land tenure and rates of land revenue assessment and irrigation charges should be specifically excluded from the scope of the Commission's recommendations. They further welcome the assurance contained in paragraph 2 of your letter that the Government of India have no intention of interfering with the full control of local Governments over agriculture. Subject to these two conditions they approve of the terms of reference generally. I am however to point out that clause (*d*) of the proposed terms as at present worded would cover a very wide range extending beyond the restrictions proposed above. The Government of Bombay would therefore prefer if it could be somewhat narrowed down so as to accord more strictly to the proposed scope of the Commission's recommendations.

LETTER FROM THE AGENT TO THE GOVERNOR GENERAL IN BALUCHISTAN, No. 13-S.R., DATED THE 4TH JANUARY 1926.

Proposed appointment of a Royal Commission on Agriculture in India.

With reference to your Confidential letter No. 1637, dated the 4th December 1925, on the subject indicated above, I have the honour to say that the proposed terms of reference to the Royal Commission appear to me to be suitable.

2. Agriculture in Baluchistan, as the Government of India is aware, is handicapped for the most part, by a paucity of water due to an ever increasing deficiency in the annual rainfall as a result of which springs and other sources of supply are either drying up or becoming much depleted.

To increase this supply is the greatest problem so far as the Agriculturist is concerned, which faces this Administration and any measures not prohibitively expensive, which the Commission could suggest in this direction would be of inestimable value to all concerned.

TELEGRAM FROM THE VICEROY (EDUCATION DEPARTMENT), TO THE SECRETARY OF STATE FOR INDIA, LONDON, No. 71-S., DATED 12TH JANUARY 1926.

Priority—

Royal Commission on Agriculture. On December 4th, we sent Local Governments and Administrations a confidential circular inviting reference to His Excellency's remarks in his opening address to Indian Legislature on August 20th, 1925, on subject of Indian Agriculture. The circular also mentioned the striking progress made in recent years in many directions in promoting science of agriculture and introducing improvements; and it was added that, in view of great importance of agriculture to India and of large numbers of population engaged in the industry and wholly depended upon it, we felt that there was room for more extensive co-ordination of effort towards agricultural improvement; that no possible step should be left untried in making the latest scientific and practical knowledge available to those concerned in the industry; that nothing should remain unexplored which held out promise of amelioration in conditions; that average standard of production and general level of rural welfare in India was lower than in other countries, where there has been for some time past marked concentration on agricultural problems; that agricultural practice in many parts of India also was admittedly still primitive and bulk of agricultural population was generally unversed in modern methods of improvements; that this situation called for remedy of a comprehensive nature; and that we felt that time was opportune for examination of means of strengthening activities by co-ordination, and of methods for applying fruits of experience in other countries to solution of problems of agricultural conditions in India. The circular went on to say that after correspondence with you, we were inclined to think that objects which we had in view could best be attained by recommendation of appointment of Royal Commission on Agriculture at earliest possible date; that you were disposed to agree with us and that we wished to consult local Governments as to this proposal and as to draft terms of reference, copy of which as amended in accordance with your telegram of November 20th was forwarded to them.

2. It was explained to local Governments that we had no intention, in arriving at this conclusion, of interfering with their full control over this subject, which is in most of its aspects both provincial and transferred; that our object was not to curtail but to supplement work now being carried on in Provinces; that we hoped that terms of reference as drafted would enable Commission, as result of its investigations, to make recommendations which would be of value to Ministers responsible for Agriculture in Provinces and to local Administrations as well as Central Agencies working under us in connection with agricultural and veterinary research and education. It was explained that all questions connected with land tenure and rates of land revenue assessment and irrigation charges were specifically excluded from field of Commission's recommendation; and that although these questions had in a sense definite connection with rural conditions, it appeared to us

undesirable and unnecessary to invite Commission to burden their enquiry by exploration into tnese subjects for purpose of making recommendations concerning them. It was added that Commission would be instructed to place themselves in communication with local Governments on their visit to any province, and to carry on their investigations and to take evidence in close consultation with Ministers responsible for agriculture, co-operation and other subjects that came under their consideration.

3. All local Governments and Administrations except Delhi have replied. All are in favour of appointment of Commission. United Provinces, Burma, Central Provinces, Assam, Coorg, Ajmer-Merwara and Baluchistan consider proposed terms of reference suitable.

It is considered by Bihar and Orissa that attention of Commission should at outset be called to necessity of considering separately problem of various parts of India. Owing to local circumstances, these problems vary considerably in different provinces, and local Government consider it desirable that Commission should report separately on circumstances of main divisions of country in same way as was done by Indian Sugar Committee. Local Government also suggest that in order that Commission's recommendations should be of practical use they should be supplemented by specific advice as to special measures required in different parts of India, which have so far developed on very different lines. With this object, local Government suggest addition of words "the several provinces of" before "British India" in first paragraph of draft terms of reference.

It is suggested by *Punjab* that enquiry should embrace reference to suitability of existing educational methods and curricula as applied to needs of rural population, and to possibility of providing better ground work for those who desire to study in agricultural courses. Local Government considers that it should be open to Ministers to suggest lines of detailed enquiry required in particular interests of their own provinces, and to seek Royal Commission's advice on any point of importance to Departments of which they are in charge. Local Government also hopes that Governor and his Ministers will be consulted regarding personnel of Commission.

Bengal assumes that proposed terms of reference would cover investigation into measures for introduction of agricultural machinery and implements, methods of compilation of agricultural statistics and facilities at present existing for co-operative purchase of agricultural requirements and co-operative sale of agricultural produce. In the opinion of local Government these are subjects which should also come within purview of Commission's investigations.

Madras suggests including specifically the application of co-operative principles to agriculture in all its aspects, such as production, credit, marketing, etc.

North-West Frontier Province is of opinion that clause (*d*) of proposed terms of reference should include specific direction to investigate means by which it may be hoped that cultivator can be made a match for professional money-lender.

Bombay while recognising value of proposed Commission believes that much of Commission's work would require to be supplemented by local investigation which in their present financial position they and possibly other Provincial Governments may be unable to undertake. While, therefore,

welcoming in several respects the appointment of a Commission, local Government point out that full measure of its benefits might be lost to Provinces by their inability to apply or follow up the results of the inquiries. Bombay adds that clause (*d*) covers a very wide range as at present worded and should be somewhat narrowed down so as to accord more strictly with proposed scope of Commission's recommendations.

4. After having considered suggestions made by local Governments and Administrations, we are of opinion that only new point, which may now be included in proposed terms of reference, is in relation to agricultural statistics. With this object, we propose to insert in (*a*) of terms words "for the compilation of agricultural statistics" after words "demonstration and education". Questions relating to application of co-operative principles to agriculture are already covered by terms of reference and especially by (*b*) and (*c*). As stated in paragraph 2 above, Commission will consult with Ministers responsible for co-operation, and this is an additional reason for non-inclusion of such questions in terms of reference. Suggestion of Punjab Government about education appears to fling net too wide. Royal Commission could not go into general scheme of primary and secondary education of rural population. Special agricultural education is sufficiently covered by (*a*) and under (*d*) it might be possible for Commission to recommend that ordinary primary and secondary education for agricultural population should be of a kind helpful to agricultural vocation and not of character to alienate their sympathy from this industry. For this reason, we have not specifically included in proposed terms of reference any question of survey of general scheme of ordinary education. With reference to word "research" in (*a*) in terms of reference, it may be mentioned that in Punjab, apart from agricultural research, there is technical officer who studies problems of application of water for irrigation of different soils and crops and that this has direct bearing on agricultural productivity.

5. We consider that it is desirable to announce the decision to appoint a Royal Commission and to publish terms of reference at an early date, and we hope that you will find it possible to telegraph your orders. Above is with reference to your telegram No. 346-S., dated 20th November 1925.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, LONDON, TO THE VICEROY (EDUCATION DEPARTMENT), DELHI, No. 147, DATED 15TH JANUARY 1926.

Terms of reference of Royal Commission on Agriculture. I agree that a reference to agricultural statistics is only alteration necessary.

His Majesty the King has approved appointment of Commission and you are authorised to make an announcement to this effect.

This is with reference to your telegram No. 71-S., of the 12th instant.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

TUESDAY, 16th FEBRUARY, 1926

Vol. VII—No. 4

OFFICIAL REPORT

CONTENTS

Member Sworn.

Messages from His Excellency the Governor General.

Bill passed by the Legislative Assembly—Laid on the Table.

Small Cause Courts (Attachment of Immoveable Property) Bill—Passed.

Code of Criminal Procedure (Amendment) Bill—Passed.

Government Trading Taxation Bill—Passed.

Guardians and Wards (Amendment) Bill—Passed.

Indian Lunacy (Amendment) Bill—Passed.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Tuesday, 16th February, 1926.

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

MEMBER SWORN.

The Honourable Sir Bijay Chand Mahtab, G.C.I.E., K.C.S.I., I.O.M., Maharajadhiraja Bahadur of Burdwan (Bengal: Nominated Non-Official).

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: I have a Message for the Council from His Excellency the Governor General which runs:

(The Message was received by the Members of the Council standing).

"In pursuance of the provisions of sub-section (3) of section 67 of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Council of State when the Budget is under consideration.

(Sd.) READING,
Governor General."

There is a further Message which runs:

(The Message was received by the Members of the Council standing).

"For the purposes of sub-section (1) of section 67A of the Government of India Act, and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways and for the subsequent stages in respect thereof in the Council of State and in the Legislative Assembly, namely:—

Monday, March, 1st	... ...	*Presentation in both Chambers.*
Thursday, March, 4th	... ...	*General discussion in the Legislative Assembly.*
Friday, March, 5th	... ...	
Saturday, March, 6th	... ...	*General discussion in the Council of State.*
Monday, March, 8th	... ...	*Voting of Demands for Grants in the Legislative Assembly.*
Tuesday, March, 9th	... ...	
Wednesday, March, 10th	... ...	
Thursday, March, 11th	... ...	
Friday, March, 12th	... ...	

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

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose which was passed by the Legislative Assembly at its meeting held on the 15th February, 1926.

SMALL CAUSE COURTS (ATTACHMENT OF IMMOVEABLE PROPERTY) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move:

"That the Bill to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts, as passed by the Legislative Assembly, be taken into consideration."

This Bill is intended to settle a doubt which has recently been raised as to the power of Provincial Small Cause Courts to attach immoveable property before judgment. These Courts have no power to entertain any suits with regard to immoveable property nor have they any power to attach immoveable property in execution of their decrees. They had prior to the Code of Civil Procedure of 1908 no power to attach immoveable property before judgment, but since the passing of the Act of 1908 and very recently a doubt has been raised as to whether the Provincial Small Cause Courts have power to attach immoveable property before judgment. There is no question that they have no such power to attach after judgment. So far as it can be made out, the Legislature when passing the Act of 1908 never intended to give any such power to Provincial Small Cause Courts, but the Committee which framed the Act of 1908 in re-arranging the provisions of the Code of Civil Procedure with regard to the powers of the Small Cause Courts have so arranged a provision that a doubt has been raised as to whether the Small Cause Courts have now been given power to attach before judgment. Recently a Full Bench of the Calcutta High Court had this question before them and by a majority they held that as the Civil Procedure Code was now arranged power seems to have been given to Small Cause Courts so to attach, although the Judges held that there was some doubt as to whether the Legislature really intended that. As a matter of fact, these Courts, as the House is aware, are intended for speedy disposal of small causes, and that is the reason why they have not been given any power to deal with immoveable property which raises generally complicated questions of fact and law. This doubt having been raised, it became necessary to settle it and practically all the High Courts are agreed that the Small Cause Courts should not have power to attach before judgment. Of course, it is a very anomalous position. They have not got power to attach after decree and necessarily they should not have power to attach before decree. This was placed before the Legislative Assembly and they have passed the Bill. Now I move that the Bill, as passed by the Legislative Assembly, be taken into consideration by this House.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration."

This is a small Bill comprising four or five separate items, the necessity for which has become apparent in the course of experience of the application of some of the amendments carried out in the Code of Criminal Procedure in 1923. I can hardly say that these items present any single definite principle except this, that it is desirable to remove the administrative inconveniences that have been observed to arise; and the safeguards which it is proposed to set up will operate almost entirely in favour of witnesses and of accused persons. I do not think I need go more into the actual details of the Bill than to illustrate my point in the case of one or two of the provisions of the Bill. Honourable Members will see that it is proposed to repeal sub-section (4) of section 170. The result will be that, while in many cases witnesses are now required to present themselves in court on a day when the accused himself has not been produced and are compelled to go and waste their time, return to their villages and appear on some later date, this harassment and inconvenience will be largely reduced. The effect of another clause is that, when a complaint is filed, it will be necessary for some formal documentary record to be maintained either in the form of a written complaint or, where the complaint is not in writing, by means of an examination of the complainant reduced to writing. Again when a complaint is made in pursuance of section 476 by a court in respect of certain offences against public justice or certain contempts, as the Code at present stands the Magistrate to whom that complaint is referred is practically bound to issue process against the person complained against. Now it may quite conceivably happen, and in fact it has occasionally happened, that if the Magistrate were empowered to direct an inquiry or investigation before actually issuing process, the necessity of bringing the person complained against into court would be obviated. These are instances of the general effect of these amendments. They will, as I have said, operate to reduce the hardship and inconvenience entailed on witnesses and accused persons.

The motion was adopted.

Clauses 2, 3, 4, 5 and 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: I move that the Bill, as passed by Legislative Assembly, be passed.

The motion was adopted.

GOVERNMENT TRADING TAXATION BILL.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): I move:

"That the Bill to determine the liability of certain Governments to taxation in British India in respect of trading operations, as passed by the Legislative Assembly, be taken into consideration."

This is a very simple Bill of a non-controversial character. It is the result of a recommendation accepted at the last Imperial Economic Conference in 1923. The principle involved is one which, I am sure, has only to be mentioned to meet with universal acceptance. It is that any Government in the Empire which takes part in trading operations or commercial undertakings in any other part of the Empire should be subjected to the same taxation as any business concern. The proposal to legislate on these lines was referred to all Local Governments and all of them have agreed to it. The Government of India waited to see the form which the corresponding legislation would take in the United Kingdom, and this Bill follows the corresponding provisions of the British Finance Act of last year.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. A. C McWATTERS: I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

GUARDIANS AND WARDS (AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): I move:

"That the Bill further to amend the Guardians and Wards Act, 1890, as passed by the Legislative Assembly, be taken into consideration."

This is a very short Bill introduced with a view to carry out one of the recommendations of the Civil Justice Committee. I cannot do better than read from an extract from that Committee with reference to this matter. The Committee says:

"Section 4 of the Guardians and Wards Act (VIII of 1890), defines the Court as 'the District Court having jurisdiction to entertain an application under the Act for an order appointing or declaring a person as guardian and in any matter relating to the ward the District Court having jurisdiction in the place where the ward for the time being ordinarily resides.' By that Act jurisdiction in guardian and wards cases is given exclusively to the District Judge and an appeal lies to the High Court against his orders in a variety of matters, such as the appointment and declaration of guardians and their removal or discharge, the custody of minors and the regulation of the conduct or proceedings of the guardian.

Applications under the Act often relate to estates whose value is much less than the pecuniary jurisdiction of Munsifs. They are sometimes filed with the sole object of stopping a marriage, securing the custody of a minor or harassing a woman who is managing her infant's estate as natural guardian or for other ulterior purposes unconnected with the welfare of the minor and often in order to allow of alienation of immovable property to pay ancestral debts. The guardian when appointed is put on terms and in the discharge of his duties under the bond executed by him, he files accounts and from time to time seeks the directions of the court on various matters. The hearing and determination of these applications naturally take time and interfere with other more important work of the District Judge.

Section 19 of the Central Provinces Act, and section 30 of the Punjab Courts Act provide for the transfer of proceedings under the Guardians and Wards Act, 1890, to any subordinate Judge according to the general or special order of the Judicial Commissioner and High Court respectively. The absence of similar provisions in the Civil Courts Acts of other Provinces has nothing to do with the propriety or desirability of the devolution of the District Judge's powers at the present day to lower judicial tribunals under his control. Here again we consider there is no objection to contested cases being heard by senior subordinate Judges. The power already exists under the Punjab and Central Provinces Acts, and we consider that it should be used when necessary and provision made in the other Civil Courts Acts for similar powers of transfer."

Well, instead of making provision in other Civil Courts Acts it has been thought better to amend the Guardians and Wards Act itself and provide for the recommendation of the Civil Justice Committee. This is a very short Bill. It enables the High Courts and the District Courts to empower courts subordinate to the District Court to hear applications under the Guardians and Wards Act. It also empowers the District Court to transfer from one Subordinate Court to itself or to another Subordinate Court any of these applications. It means a saving of a good deal of time by the taking of a number of minor applications by Subordinate Courts instead of having them made in the District Court or the High Court.

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN LUNACY (AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move:

"That the Bill further to amend the Indian Lunacy Act, 1912, as passed by the Legislative Assembly, be taken into consideration."

The object of this Bill is to remove a defect which exists in our present law relating to lunacy to which attention has been drawn by one of the most eminent alienists in India. Under sections 5 and 6 of the existing Act before a lunatic can, in certain circumstances, be received into an asylum it is necessary for a reception order to be made by a Magistrate, and petition can be made for such a reception order by the persons specified in clause 6 of the Bill, the husband or wife of the alleged lunatic or any other relative of his. Coming to a later provision of the Act, section 32, we see in what circumstances lunatics may be discharged. It is provided in that section that a lunatic may be discharged on the petition of the person on whose petition the original reception order was made. Now considerable inconvenience has been experienced because, if the person who originally made the petition for a reception order is dead or cannot be found, action cannot be taken under this section. The object of the Bill therefore is to lay down a procedure, which Honourable Members will observe, is very carefully regulated and safeguarded, by which a Magistrate may make what is known

[Mr. J. Crerar.]

as a substitution order. That is to say, if the person who originally made the petition cannot be found, or for various reasons it is impracticable or inexpedient that action should be taken on his petition, then another fit and proper person may be substituted after due inquiry. That will greatly facilitate and render more elastic the procedure for the discharge of a lunatic. That is the object of the measure.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: I move, Sir, that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 17th February, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

WEDNESDAY, 17th FEBRUARY, 1926

Vol. VII—No. 5

OFFICIAL REPORT

CONTENTS

Questions and Answers.

Private Notice Questions and Answers.

Statement regarding Negotiations with the Union Government of South Africa.

Resolution *re* Leader of the Indian Delegation to the League of Nations—Adopted.

Resolution *re* Formation of a separate Kannada Province—Negatived.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Wednesday, 17th February, 1926.

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

QUESTIONS AND ANSWERS.

Declaration of the Sonthal Parganas as a backward tract.

97. The Honourable Mr. MAHENDRA PRASAD: (*a*) Will the Government be pleased to state if the district of Sonthal Parganas is declared backward under section 52/A, Clause 2, of the Government of India Act?

(*b*) If the answer be in the affirmative, will the Government be pleased to lay on the table the copy of the notification issued declaring the Sonthal Parganas to be a backward tract?

The Honourable Mr. J. CRERAR: (*a*) Yes.

(*b*) I do not think it necessary to lay a copy of the notification which is somewhat voluminous on the table. Honourable Members who desire to refer to it will find it reproduced on pages 261 to 263 of the publication of the Government of India Act and rules, copies of which are in the Library.

Application of section 71 (*1*) of the Government of India Act to the Sonthal Parganas.

98. The Honourable Mr. MAHENDRA PRASAD: (*a*) Will the Government be pleased to state if section 71 (1) of the Government of India Act is in force in respect of the Sonthal Parganas?

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to lay on the table the copy of the notification by which section 71 (1) of the Government of India Act was applied to the Sonthal Parganas?

The Honourable Mr. J. CRERAR: (*a*) Yes.

(*b*) A copy of the notification of the Government of India in the Home Department, No. 478, dated the 12th March 1872, is placed on the table. The territories referred to are those which now comprise the Sonthal Parganas.

JUDICIAL.

The 12th March 1872.

No. 478.—It is hereby notified that the Secretary of State for India has, by Resolution in Council, declared the provisions of the 1st Section of an Act passed in the 33rd year of Her Majesty's reign Chap. 3, entituled an Act to make better provision

for making Laws and Regulations for certain parts of India and for certain other purposes relating thereto, to be from the 15th day of March, 1872, applicable to the following parts of the territories under the government of the Lieutenant-Governor of Bengal, that is to say :—

THE DAMIN-I-KOH.

So much of Pergunnah Bhaugulpore and of Pergunnah Sutticare as lies east of the Gerooah Nuddee and south of a line drawn eastward from Humza Chuck to the village of Dighee.

Zillah Bhaugulpore.

Pergunnah	Telecagurhee	Except such parts of them as are now or may be hereafter situate on the left bank of the main stream of the Ganges so that in any change in the course of the river the main stream shall be the boundary.
,,	Jumoonee	
,,	Chetowleah	
,,	Kankjole	
,,	Bahadurpore	
,,	Akbernuggur	
,,	Inayutnuggur	
,,	Mukraen	
,,	Sooltangunge	

Zillah Bhaugulpore.

Pergunnah	Umber	Except such detached villages as lie within the general boundaries of Pergunnahs not mentioned in this Schedule.
,,	Sooltanabad	
,,	Godda	
,,	Umloo Mootesh	
,,	Pussye	
,,	Hendwa	
Tuppeh	Muneeharee	
,,	Belputta	

Zillah Beerbhoom.

Pergunnah	Pubbia	Except such detached villages as lie within the general boundaries of Pergunnahs not mentioned in this Schedule.
Tuppeh	Saruth Deoghur	
,,	Kundit Kuraye	
,,	Mohumdabad	
Such part of Pergunnah Dureen Molissur as lies north of the Chilla or Chundun Ghat Nullah		

Such detached portions of other Pergunnahs and Tuppehs as lie within the general boundaries of any of the above-mentioned Pergunnahs and Tuppehs.

Such portions of Pergunnahs belonging to Maldah and Purneah below the village of Khederpore in Pergunnah Teleeagurhee as are now or may hereafter be situate on th right bank of the main stream of the Ganges.

REGULATION VII OF 1925.

99. THE HONOURABLE MR. MAHENDRA PRASAD: (*a*) Will the Government be pleased to state if the Local Government of Bihar and Orissa submitted any objects and reasons for the promulgation of Regulation VII of 1925, along with the draft as required by section 71 of the Government of India Act?

(*b*) If the Government of India circulated the draft of Regulation VII of 1925 for eliciting public opinion before its enactment?

(*c*) If the answer to (*a*) be in the affirmative, will the Government be pleased to lay on the table the said objects and reasons and any correspondence between the Bihar and Orissa Government and the Government of India relating to Regulation VII of 1925?

(*d*) If the answer to (*b*) be in the affirmative, will the Government be pleased to lay on the table the opinions received from local officers and the public?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (*a*) and (*c*) The reasons for the Regulation which was promulgated by the Government of India as Regulation VII of 1925 were stated in the letter from the Government of Bihar and Orissa No. 1142/III-P.-3-R. T., dated 28th August, 1925, copies of which and of the reply of the Government of India, No. 499/25-G., dated 21st December 1925, are placed in the Library of the House.

(*b*) It is not usual for the Government of India to circulate for public opinion the draft Regulations proposed by Local Governments under section 71 of the Government of India Act. A reference to paragraph 7 of the Bihar and Orissa Government's letter of 28th August 1925, referred to, will however show that that Government satisfied themselves after consultation with the principal proprietors of the district that the measure met with general approval.

(*d*) Does not arise.

PRIVATE NOTICE QUESTIONS AND ANSWERS.

THE HONOURABLE MR. PHIROZE C. SETHNA: Sir, His Excellency the Commander-in-Chief has been pleased to accept private notice of a question. Have I your permission to read it out, Sir?

THE HONOURABLE THE PRESIDENT: Yes.

REPORT OF THE TERRITORIAL AND AUXILIARY FORCES COMMITTEE.

THE HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state in regard to the Report of the Territorial and Auxiliary Forces Committee which was published nearly a year back—

(*a*) if the same has been considered?

(*b*) if all or any of its recommendations are approved? and

(*c*) the earliest date when their decision will be made public and given effect to?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) to (*c*) The Government of India have been actively considering the Report of the Auxiliary and Territorial Forces Committee, but they have, so far, not reached any final conclusion. I may mention that actually the final replies of all Local Governments have not yet been received. Government expect, however, to decide in a very short time upon the course of action which they propose to take on the recommendations of the Committee. But it will then be necessary to address the Secretary of State.

PURCHASE OF FOREIGN RAILS BY COMPANY-MANAGED RAILWAYS.

THE HONOURABLE MR. PHIROZE C. SETHNA: (1) Is it a fact that the Indian Railways not under Government management are at present contemplating the purchase of foreign rails?

(2) In view of the recommendation of the Tariff Board in their original and supplementary reports as to the price which should be obtained by

the Indian manufacturer for rails, and the fact that the scheme of protection accepted by Government and the Assembly has in this respect failed, will Government consider the advisability of immediately imposing a duty similar to the duties imposed on other classes of steel on foreign rails in order to protect the Indian manufacturer against such foreign imports?

(3) Are Government aware that recently the London and North Eastern Railway in England passed orders to the effect that no steel other than that of British manufacture was to be used for certain articles on their Railway, and have Government brought this expression of policy on the part of this English Railway to the notice of the Indian Railways who contemplate ordering foreign steel?

(4) Is it a fact that the Indian Railways in question are contemplating the order for immediate delivery of a sufficient quantity of foreign rails to meet their requirements for several years with the object of evading any protective duties that may be imposed as a result of the further inquiry into protection for steel promised by Government?

(5) If so, are Government taking any steps to prevent such evasion of their professed policy?

THE HONOURABLE THE PRESIDENT: Before the reply is given by the Government to the Honourable Member's question, I think I should point out to the House and to the Honourable Mr. Sethna, in particular, that there are considerable portions of his question which, if notice had been given in the ordinary way, I should probably have found myself obliged to disallow. The greater portion of part (2) of the question, more than the first half of it, is argumentative, and would probably have to be omitted, and the last portion of part (4) of the question contains an inference, that is to say, it is purely the Honourable Member's own opinion as to the object of the action taken by certain Railways. I understand, however, that the Honourable Member (Mr. Chadwick) is perfectly prepared to answer the question and therefore I do not propose to take any formal steps to have the question amended.

THE HONOURABLE MR. D. T. CHADWICK: (1) No. The position is that certain of the Company-managed Railways contemplate calling for tenders for the supply of rails for next year. In preparing their tenders Indian manufacturers of rails will have the advantage of the protection and bounties afforded to them by the Steel Industry (Protection) Act and by the recent Resolution passed in the Legislature.

(2) The Indian manufacturer already receives in regard to rails by way of duty *plus* bounty the same assistance as he receives in regard to other articles he manufactures. It is not understood that the Honourable Member suggests that a greater degree of protection should be given to rails than to other steel articles manufactured in India. The Government cannot accept the assumption that the mere fact that some of the Railways propose to call for tenders connotes that the scheme of protection has failed.

(3) Yes.

(4) The answer is in the negative.

(5) Does not arise.

THE HONOURABLE SIR ARTHUR FROOM: Are the Government aware whether the action of the North Eastern Railway at home of the issue of an order to purchase rails of British manufactured steel was based on a question of quality?

THE HONOURABLE MR. D. T. CHADWICK: I am not aware of all the considerations which influenced the North Eastern Railway Company to issue that order.

THE HONOURABLE SIR ARTHUR FROOM: Are Government aware that recently Japan placed large orders for British rails on account of quality?

THE HONOURABLE MR. D. T. CHADWICK: I am aware that Japanese Railway Administrations recently published a report that they found that of all their purchases of rails those from Great Britain had proved to be the most satisfactory in actual use.

STATEMENT REGARDING NEGOTIATIONS WITH THE UNION GOVERNMENT OF SOUTH AFRICA.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, in his speech at the opening of the Legislative Assembly, His Excellency the Viceroy outlined the general course which the negotiations with South Africa regarding the Asiatic question have taken, and appealed to the House to continue to trust the Government while the negotiations were still proceeding. The Government of India and the Union Government of South Africa have now agreed that a stage has been reached at which the correspondence that has passed between the two Governments during the last year can suitably be made public. I am therefore placing in the Library of the House copies of the communications that have passed between the two Governments on the subject of the position of Indians in South Africa.

From this correspondence it will be seen that last April, with the approval of the Secretary of State for India, the Government of India took up with the Union Government direct the question of formulating a comprehensive Indian policy in South Africa which would be acceptable to all the parties concerned, and utilised the suggestion thrown out by Mr. Thomas, Secretary of State for the Colonies, to propose a conference on the subject preferably in South Africa, but if the Union Government so desired in India, or on netural ground such as Geneva. In the alternative, they asked the Union Government to make other suggestions to bring about a satisfactory settlement of the Indian question. The Union Government replied in June last that, while they were quite ready to receive suggestions from the Government of India towards making their policy of repatriation more effective, they regretted their inability to agree to a conference since it was the policy of all parties in South Africa, by means of strict prohibition of Indian immigration and of active repatriation, to reduce the Indian population in the country, as nearly as possible, to an irreducible minimum, and such a conference would be viewed with suspicion as an interference from outside. On July 14th, the Government of India renewed the suggestion for a conference on the ground that repatriation could not by itself provide an effective solution of the problem since

[Sir Muhammad Habibullah.]

63 per cent. of the resident Indian population were born in South Africa and regarded that country as their home, and on the ground that in order to arrive at a satisfactory settlement, alternative measures of mitigating European and Asiatic competition in the economic sphere should be explored. In July the Areas Reservation and Immigration and Registration (Further Provision) Bill embodying the policy of the Union Government towards the Asiatic problem was introduced, and in September the Union Government replied regretting their inability to hold a conference on the Indian question, unless its main object was more effective repatriation and unless it was limited to some definite and concrete questions connected therewith. They seemed, however, inclined to favour conversations both in connection with repatriation and with methods of reducing Asiatic and European competition. In October the Government of India replied to the Union Government that, before entering into a discussion of the repatriation question or the general question of alleviating direct competition, they would like to send a deputation to South Africa to collect information regarding the economic condition and general position of Indians residing in the Dominion. The Government of South Africa agreed to this proposal on November 10th, and the deputation sailed from Bombay on November 25th. Its defined purpose was to inquire into and report on the economic condition and general position of the resident Indian community in South Africa and to form an appreciation of their wishes and requirements with a view to furnishing material to the Government of India for use in connection with their negotiations with the Union Government. That deputation has collected material and come to provisional conclusions which enabled the Government of India on January 10th to press once again on the Union Government the desirability of a round table conference on the whole question, or, failing that, a fresh inquiry, before the proposed legislation was proceeded with. The Union Government replied on February 6th that they fully realised our anxiety to place the case of the Indian community in South Africa as fully as possible before them. They expressed their willingness, therefore, to propose the reference of the Asiatic Bill to a Select Committee before the second reading so as to enable the Committee to take evidence on the principles of the Bill as well as on its details, subject to the understanding that the Committee should be required to report to Parliament within such limited period as would enable Parliament to deal finally with the proposed legislation during the present session. This offer the Government of India have accepted, but they have made it clear that their objections to the Bill are fundamental and that they are instructing their deputation to present the case before the Select Committee in respect of general principles. It will follow from the statement of their objections to principles that the Government of India are also opposed to the details of the Bill; but it is not proposed to discuss the latter because the Government of India cannot take any action which might be thought even remotely to imply that they are prepared to waive fundamental objections or acquiesce in the principle of the Bill.

From this very brief summary of the course which the negotiations have taken, it will be clear that the Government of India have obtained two important results. In the first place, they have, for the first time

since Sir Benjamin Robertson's deputation, their own representatives on the spot in South Africa who are in a position to keep them informed of the progress of events and to present the Indian case on their behalf before the Select Committee, when it is appointed. While the Government of India have on their records a mass of evidence relating to the position of Indians in South Africa, they feel the necessity of keeping it up to date and abreast of the changing economic conditions of the Union and of relating it to the particular legislation under consideration. They are anxious moreover to establish closer touch with the wishes and needs of the Indian community in South Africa. It is in these respects that the presence of their deputation in South Africa is proving invaluable to them. Secondly, they have induced the Union Government to agree that the Asiatic Bill should be referred to the Select Committee before, instead of after, the second reading. The principles involved in this Bill are so grave and its effects on the position of Indians in South Africa are of such far-reaching consequence, that the Government of India attach great importance to this concession. India naturally takes the strongest objection to measures calculated to relegate Indians to a position inferior to that of other classes of His Majesty's subjects. The Select Committee before the second reading gives a desired opportunity of stating the case and opposing the Bill on these grounds before the Legislature of the Union is committed to the principle of the Bill. The Government of India gratefully acknowledge the assistance that they have derived in the past from the attitude of the Legislature in regard to Indian affairs in South Africa and they trust that, when the Members of the two Chambers have had an opportunity of studying the correspondence which is now made public, they will approve of the line which has been taken.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I am sure the House and the country at large will feel very grateful to Government for the statement which the Leader of the House has made to us to-day. I would however like to ask the Honourable Sir Muhammad Habibullah if it would suit Government to name a day when the statement he has read out and the correspondence he has laid on the table might be discussed in this House.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Sir, I must say that I am not in a position, on the spur of the moment, to accept the suggestion which has been made by the Honourable Member opposite, but I can assure him that I shall give the matter my best consideration and announce the decision as soon as I possibly can.

RESOLUTION *RE* LEADER OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I beg to move:

"That this Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the leader of the delegation representing India at the next session of the Assembly of the League of Nations."

About two years ago, or to be precise on 10th March, 1924, I moved a Resolution in the then Council of State on identically the same lines as the Resolution I have just now read out. In moving the Resolution, I

[Mr. Phiroze C. Sethna.]

pointed out that there were highly capable and distinguished Indians who could certainly be trusted to lead the Indian Delegation to the Assembly of the League of Nations. In speaking on the Resolution the Leader of the House, the Honourable Sir Muhammad Shafi, on behalf of Government expressed full sympathy with the Resolution and gave an assurance that the proposal would receive the most careful consideration. Let me quote his exact words. They were:

"The Government of India fully recognise that the wish expressed in the Resolution which has been moved by my Honourable friend, Mr. Sethna is natural. . . The Government of India fully recognise that fact, and the House may rest assured that the proposal will receive the most careful consideration of the Government of India when the time for appointment arrives."

On this assurance being given I withdrew the Resolution.

Nearly two years have passed since then and two sessions of the Assembly of the League of Nations have been held. But I regret very much to say that in spite of this assurance on the part of Government—an assurance which was virtually in the nature of a promise—no action has been taken in the matter and no Indian has been appointed to lead the Delegation. Nay, further, the Government have not taken the House into their confidence and have hitherto given no explanation whatever why the assurance given by Government has not been carried out. This is a circumstance upon which it is impossible to congratulate Government. I do not wish to use harsh language, but it pains me to think that though Government recognised that the wish expressed in the Resolution was natural and reasonable and promised sympathetic consideration, nothing was done either in 1924, or last year, to meet that natural and reasonable wish.

India is an original member of the League of Nations. The Covenant of the League of Nations was signed at the Peace Conference at Versailles in 1919, by the late Mr. Montagu, His Highness the Maharaja of Bikanir and Lord Sinha on behalf of India, together with the representatives of 12 other States signatories to the Treaty of Versailles. These 12 States are the original members of the League of Nations, and that number has now increased to 55. Its present annual expenditure is roughly £900,000 and the question of the allocation of this expenditure has been a very contentious problem. At first it was based on population. It is now based on the revenues of each country which is a member of the League and each member is asked to pay so many units. The total number of units for the years 1926-27 and 1928, is 937, and India has to pay 56 units which is roughly 6 per cent. of the total contribution. I may state that there are only four other countries which pay more than India. They are Great Britain which will pay 105 units, France 79, Italy and Japan 60 each and India 56. According to this we shall be paying annually about Rs. 8,00,000 for our share for the next three years, and which certainly is a high sum to pay. I am aware that our delegates did the best they could at the last sessions with the result that they have brought down the payment by India from 60 to 56 units, but we should very much like it to be reduced yet further.

In this connection I may remind the House of the telegrams which appeared in this very morning's papers, which say that Germany is likely to be included amongst the permanent members of the Council. This requires some explanation. The executive work of the Council of the

League of Nations is performed by 10 members. Of these 10, four are permanent and the permanent ones are England, France, Italy and Japan. These four pay the largest contributions, their shares being respectively, England 105, France 79, Italy and Japan 60 each, India coming fifth with 56 units. Besides these four permanent members, the Council consists of six more non-permanent members who are elected annually, and the point that I desire to make is, that the Government of India should impress upon the Indian Delegation to take up the question at the next session and see that, because India is the fifth largest contributor and although it cannot become a permanent member, still she ought on occasions to be made a non-permanent member. In 1925, the non-permanent members were such States as Brazil, Uruguay, Spain, Czecho Slovakia, Sweden and Belgium, and there is therefore greater reason why India, which contributes as many as 56 units, or 8 lakhs of rupees a year, should be made certainly in some years a non-permanent member of the Committee of the League of Nations.

Anything that enables India to play a part in International Councils is a source of gratification to the Indian people. During the war and some years after it, due care was taken to raise the international status of India and maintain and safeguard every point of vantage gained in that direction. The late Mr. Montagu was very particular in that respect. But of late years, a change seems to have taken place and no particular efforts are made to maintain and raise India's international status. The fact that India is not yet a self-governing country involves in itself serious limitations upon our international status with the result that we cannot yet rise to the full height of our stature. This fact in itself renders it necessary that in every international sphere which is open to the Indian people they should be enabled to truly represent their country and to fill positions of leadership and initiative. It is very humiliating to us to have always to fill subordinate places and to play second fiddle to other people, however able and eminent they may be.

Ever since the formation of the League of Nations distinguished Indians such as Lord Sinha, Sir Ali Imam, the Rt. Honourable Srinivasa Sastri, Sir Sivaswamy Iyer, Sayyad Hussan Imam, Sir Dadiba Dalal, and Sir Atul Chatterjee have been appointed on the Indian Delegation and they have discharged their duties with credit to themselves and to their country. Why should not the Delegation then be led by Indians? I see no reason whatever unless it be that when Britishers and Indians work together the first or leading place must necessarily be given to the former, even when India's representation is concerned and when thoroughly capable Indians are available. Such considerations have no longer any place and they ought not to weigh with Government.

I know that Sir Muhammad Shafi when replying to me two years ago did say that the appointment of representatives will depend to a considerable extent upon what are the subjects which have to be discussed. Government have not told us that the subjects discussed in 1924, and in 1925, were such as could not be tackled, and tackled efficiently, by Indian representatives if any Indian representative were in charge of the Delegation. We have now Indians with considerable experience not only in Government administration matters, but in all other connections and I do not think that if Government are at all serious in acceding to the wishes of the people that they will experience any difficulty in finding suitable Indians

[Mr. Phiroze C. Sethna.]

to lead the deputation no matter whatever the subjects that come up for discussion.

He next observed that so far no one has ever been actually appointed leader of the Indian Delegation by Government, but he in the same breath added that as a matter of practice the British member has acted as the leader because of his position and of his special qualifications. This clearly implies that whilst no one is officially recognised as the leader, yet Government look upon the British member of the Delegation as the leader and this is what my Resolution desires to avoid in the future. The time will come when we shall also put forward the claim that at the Imperial Conference also an Indian should lead. I am not putting forward that claim at the present moment, but I certainly urge that the Indian Delegation to the League of Nations from now onwards will always be headed by an Indian.

I trust my Resolution will meet with the ready support of the entire Council.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I beg to move the following amendment to the Resolution so ably proposed by the Honourable Mr. Sethna:

"This Council recommends to the Governor General in Council that the leader and other members of the Delegation representing India at the next session of the Assembly of the League of Nations be appointed from out of a panel of six persons to be elected by both Chambers of the Central Legislature."

I am entirely at one with the Resolution moved by my Honourable friend and I also heartily support the very cogent reasons with which he backed the Resolution. My object in bringing this amendment is a very simple one. If India is to be represented in the League of Nations, it ought to be represented by persons who can really be defined as representatives of the people of India. Among the nations which constitute the League of Nations, there is already a feeling that England has got 6 votes on her side by including the Colonies and India as members of the League. The suspicion that existed against the Colonies was largely removed in later years by the independent line of action which the Dominion representatives took in the deliberations of the Assembly. We are told that with regard to India the suspicion still exists. I am therefore anxious that the representatives who represent India in the Assembly ought to be in a position to take a line of action which is their own, which is dictated by the interests of India alone. With your permission, Sir, I shall read a small sentence from Roth Williams, League of Nations, To-day, page 170. It says:

"One thing is certain—unless substantial independence is achieved before League membership is applied for, other States will object. The 'six votes to one' cry was already raised when the Dominions came in and only stilled when it became obvious to the world at large that the Dominions are in fact independent nations and that their delegations to the Assembly take their own line in all questions. But *India is still looked at askance as a member of the League for the same reason.*"

I wish to remove this impression on the minds of the Members of the League by giving India, if possible, an opportunity to let her representatives take their own line of action like the Dominions. When the Government of India nominates representatives it cannot be denied that the policy is dictated by the agency which nominates its representatives. Therefore my amendment is both in the interests of England as well as of India, in the interests of England to remove suspicion that England is weighting her

votes by the inclusion of India as one of the members in her own interest, in the interests of India because she will get representation which is to some extent at least a real one. One objection that is raised is that in the case of other countries the Delegations are nominated by the Executive Government and in no case do the Legislatures nominate these representatives. Sir, it is a fact, but you must remember that the Executives of other countries are responsible to the people, and therefore the nominations made by the Executive will be in consonance with the popular wishes. India, however, occupies a very peculiar position in the constitution of the British Empire as well as in the League of Nations, and such representative character, as we can, consistently with our present constitutional position, give ought to be offered to India. Therefore, I have suggested that the Government be requested to appoint this Delegation out of a panel of 6 persons to be elected by the Central Legislature. I have taken care to say 6 persons advisedly. I do not say that these 6 persons ought to be members of the Central Legislature. They can be any persons outside the Legislature. At the same time, I have not asked that all these people should be Indians. They may be Europeans or they may be Indians. So long as the principle of representation is maintained and so long as India represents all nationalities who made India their home, I do not believe in excluding a European or an Englishman from the scope of election by the Central Legislature. Therefore, I have advisedly used the word "persons". There is another reason also, namely, that I find women are already admitted to the Assembly of the League of Nations. In the third Assembly there was a very distinguished lady who represented a country and who startled the House by proclaiming that the League of Nations was very soon to become a "League of Mothers." Therefore, my amendment does not have the effect of restricting the choice or the scope of selection.

Then, Sir, while discussing this question with my friends, certain objections were urged against this amendment and, when analysed, they resolve themselves into two. One objection is that some people do not seem to have faith in the Central Legislature. In fact, one friend, a colleague of mine, actually put me a strange question. He said—supposing to-morrow the Legislature elects Mahatma Gandhi as a representative and the Swarajists elect him, is the Government to nominate him? Such a question really startled me because, if Mahatma Gandhi were to be induced to accept such an unreal position, I should think the League of Nations and India ought to feel honoured by his representation. I do not think that a distrust of the Central Legislature to discharge its duties properly in selecting six representatives out of whom three can be selected, is justified. Then, Sir, the other objection raised was that the selection by the Central Legislature will to a great extent restrict the Government's choice. The very object of my amendment is that the choice of Government ought to be restricted. The choice ought to be primarily with the representative Government or the Government representing the people. In the absence of a representative Government, the choice is to be vested in the Central Legislature, and therefore I have purposely restricted the scope of the Government. But I have given as wide a field for choice as possible, in order that the Government may be satisfied with at least 3 out of the 6 persons of the panel elected by the Central Legislature. On the question of the leadership, I am in entire agreement with the Honourable Mr. Sethna, and perhaps I should have framed my amendment as a supplement to the original Resolution. But under the constitution of the League of Nations the three members of the Delegation command a single vote. Each Delegation has only a single vote and therefore all these three gentlemen who

[Mr. V. Ramadas Pantulu.]

will represent us will cast one single vote. Even if the leader is an Indian and his two colleagues are Europeans who have come to a different conclusion, the Indian leader cannot cast a different vote. He could only try to persuade them by bringing to bear upon them his knowledge and skill in dealing with the question. Beyond that he cannot go. He cannot have a separate vote. The object in view cannot be achieved merely by having an Indian as a leader because the three people act together and cast only a single vote. I doubt not that the Government will consider the claims of Indians for leadership. I have not the least idea of running counter to the original Resolution moved by my friend Mr. Sethna. He has also referred to the desirability of nominating Indian representatives to the International Labour Conference and to the Imperial Conference and such other international bodies in which India is represented. This Resolution, I take it, is only a symptomatic one and it expresses the desire of this House that India should be represented by Indian representatives as far as possible. There are competent men who can represent India in all these Conferences, especially the International Labour Conference. There are both employers' and workmens' representatives who can represent India very honourably. Therefore, Sir, my aim is not to embarrass the Government or to do anything which limits its scope of the choice of India's representatives to the League of Nations. My only idea is to make them real representatives of the country and not to be considered by the outside world as nominees of the Executive Government which is itself irresponsible to the people of the country. So long as the Government is irresponsible and also irresponsive, according to me, to the popular wishes of the people of India, the representatives of the Government of India will not carry any weight. As at present situated in the League, we are merely considered to be the tail-bearers of England and whatever we do we do at the dictates of England. Will England give India's representatives a better status by making them representatives of India? With these words, Sir, I move my amendment and in doing so I heartily support the Resolution also and hope that this House will be able to accept it.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for the original Resolution the following be substituted :

'This Council recommends to the Governor General in Council that the leader and other members of the Delegation representing India at the next session of the Assembly of the League of Nations be appointed from out of a panel of six persons to be elected by both Chambers of the Central Legislature '."

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, before I deal with the proposal embodied in the amendment, I think it would, perhaps, be useful if I remind this House of the constitutional position in relation to the appointment of delegates to the Assembly of the League of Nations. I think the House will find that the practical difficulties which would arise, if effect were given to this Resolution, are much more in the case of India, situated as she is, than in the case of a self-governing State. Now, under Article 1 of the Treaty of Versailles the original members of the League of Nations are those signatories whose names are given in the Annexe and para. 2 of that Article provides that thereafter that is after the Treaty, any fully self-governing State, Dominion or Colony could become a member of the League of Nations subject to certain conditions with which I need not trouble you. Now a glance at the Annexe will show this House that of

all the original members India is the only member which is not a self-governing State, so that, but for the fact that India as a signatory to the Treaty became an original member, she could not have now become a member of the League of Nations, that is to say, not being a fully self-governing State she is not qualified to be a member.

Now Article 3 of the League of Nations provides:

"The Assembly shall consist of representatives of the members of the League."

What is meant by "representative"? How is this representative of a member of the League to be chosen? I would ask the House in the first place to consider the case of self-governing States. Let us take for example England or France. How is their representative to be chosen? Now I think it is obvious that the representative of a self-governing State must be one who represents the Government for the time being in power in that State. If a Conservative Government is in power, the representative must be a member of that Government, or someone chosen by that Government. Similarly, if a Liberal Government was in power, or a Labour Government was in power, the representative must be a representative of that Government. I do not suggest for a moment that there is any legal difficulty in the Government for the time being electing someone, for instance, who is in opposition to that Government. I am taking an extreme case. There is no legal difficulty in the way of doing that, but the practical difficulties, which I think the House is sure to appreciate, are enormous, because the Government are responsible for their policy to the Legislature, and if they are represented in the League of Nations by someone who is not prepared to carry out their instructions as to the policy to be pursued or the action to be taken, it will be difficult to hold the Government responsible for what their delegate does in the Assembly.

I am now only dealing with the case of self-governing States. I will come to the position of India presently, but so far as the self-governing States are concerned, the point that I would like to make is that the representative must be the representative of the Government.

The next point to consider is who is to appoint that representative, and I think it will be found that that representative has been and must always be appointed by the executive government. In a self-governing State the election of the representative by the Legislature, or the election of a panel by the Legislature, from which the executive government is to choose its representative would be an encroachment on the executive. The Legislature exercises its influence when a particular policy is pursued by the representative on the instructions of the executive government, and if the Legislature think that the policy which is pursued is not a correct policy they can exercise their influence on the executive government. But the point I would ask the House to bear in mind is that the representative in all self-governing States represents the Government for the time being in power, and he is appointed by the executive government and must be appointed by the executive government, for after all the executive government is responsible to the Legislature and you cannot hold it to its responsibility if the appointment of its representative is to be interfered with by the Legislature.

That then is the position in self-governing States. Now let us come to India. India is not self-governing. The Indian Government is not responsible, as I shall show presently, to the Legislature or to the people.

[Mr. S. R. Das.]

Its responsibility is to Parliament. Now sub-section (2) of section 2 of the Government of India Act enacts:

"The Secretary of State may, subject to the provisions of this Act, superintend, direct and control all acts, operations and concerns which relate to the government or revenues of India."

And section 33 further enacts:

"Subject to the provisions of this Act and rules made thereunder, the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council who is required to pay due obedience to all such orders as he may receive from the Secretary of State."

Then section 65 and the following sections, which I need not read but with which the House must be quite familiar, give the powers of the Legislature. Therefore, under the Government of India Act it is clear that the responsibility of the Government of India vests in the Governor General in Council, subject to the control of the Secretary of State, and subject to such control by the Legislature as is conferred on the Legislature by the Act itself. That is the constitutional position, therefore, so far as India is concerned.

Now, who is to appoint the representative? We may all deprecate the position that India is not self-governing, that the Governor General in Council is not responsible to the people but to Parliament. We may all deprecate that position, but until that is changed, and while the constitution remains as it is, I submit to this House that we can only consider the question of the appointment of the representative of the Government of India from the point of view of the present constitutional position of India. From that standpoint, and as I have submitted we can only consider that standpoint, from the point of view of Government, the representative of the Government of India must be someone on whom the Government can rely to carry out its instructions at the meetings of the Assembly. It must be someone on whom the Government can rely, because just consider for a moment what the position would be, and look at the practical difficulties in the way. If the Government of India were to send as its delegate someone who has been elected, say, by the Legislature or by the country, or from a panel which has been elected by the Legislature, the Government of India cannot discharge its responsibility if the delegate who has been elected by the Legislature chooses to pursue a policy in the Assembly which is contrary to the views of the Government of India. So far as the present constitution goes, it is the Governor General in Council who is responsible to the Secretary of State and to Parliament, and therefore if you thrust on the Government of India a person on whom the Government cannot rely, or whose views are not the same as those of the Government, the Government of India cannot possibly discharge the responsibility which is put on it by the constitution, which the present constitution of India, however much we may deprecate it, vests in that Government.

Just as in the case of a self-governing State the responsibility is in the executive government and the executive government must appoint its delegate, so here also the executive government must appoint its delegate, for the time being at any rate, if I may use the same words that I did with regard to the self-governing State, for the time being it is the Governor General in Council who is responsible. Now an election by the Legislature of a self-governing State would not give rise to so many practical difficulties, or rather I should say, may not give rise to the practical

12 NOON.

difficulties that arise in the case of India, if the procedure suggested by the amendment were followed, because, after all, in a self-governing State the majority of the Legislature at any rate is more or less of the same view as that of the executive government. It is the majority of the Legislature which keeps the executive government in power, and therefore in a self-governing State, if the majority of the Legislature were to elect a panel or elect a representative, there would not be the same practical difficulty, if the executive government were to accept that, as there would be in the case of India, where, as I have pointed out, the Government is not, by its constitution, responsible to the Legislature, and where, from the very nature of things, the Legislature may elect persons or a panel whose views may be directly opposed to those of the Government on a particular question which arises in the Assembly. Therefore, by reason of the anomalous position of India, if I may put it that way, by reason of its present constitution, the practical difficulties of carrying out the proposal made in the amendment are enormous, and I am certain, if the Honourable Members will consider it from that point of view, they will find it is difficult for the Government to accept the proposal made by the Honourable Member in the amendment. Under these circumstances the Government are bound to oppose the amendment and I trust the House will see that the amendment cannot be given effect to and will reject it.

With regard to the original Resolution proposed by the Honourable Mr. Sethna, I am rather in a difficult position. All that I can say to him is that, since he moved that Resolution in, I believe, March 1924, the Government have been giving very serious consideration to it, and I am afraid I am not in a position to-day to make any definite statement as to what the Government propose to do with reference to that Resolution, but the Government hope, this year at any rate, to be able to make an announcement before very long as to how far Government can give effect to the proposal at the next session of the Assembly. I can only repeat what my predecessor said on the last occasion in March, 1924, that the Government recognise the wish, have the fullest sympathy with the motion, and, subject to what I have said as regards the constitutional position, they have every sympathy with the motion; and though I am not in a position now to accept the motion because, as I have said, it is still under very serious consideration and no definite decision has been arrived at, we do not propose, from the point of view of the Government, to oppose that Resolution.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, at first I thought there would be no difficulty on the part of the Government to accept the Resolution. It is a very modest request, and in view of the attitude taken by the Government on previous occasions, I thought there would be little or no difficulty in accepting the original Resolution as it stood. I can understand some objection being taken to the amendment because the amendment tries to bring in the elected principle and we are all aware that these delegations are delegations of the Governments and are responsible to the Governments of the various States. That is the position that the Honourable the Law Member wants us to face before asking the Government to accept either the original Resolution or the amendment. I tried to follow closely the arguments that were advanced by the Honourable the Law Member, but I thought he gave us very cogent reasons for accepting the Resolution rather than for rejecting it. To me it appeared as though all the facts which he adduced in support of his conclusions are

[Mr. P. C. Desika Chari.]

the very things on which we can rely for asking the House to accept the Resolution. First he said it is a matter for congratulation that India was admitted as an original member of the League of Nations. Perhaps he meant that if India had waited and applied for membership later the tests of responsible government, the tests of individuality, the tests of full nationhood might have been applied to the case of India and India might not have come into the League of Nations at all. India is a member of the League of Nations and the membership implies that she has got a status equal to that of any other member of the League of Nations—so far as the Assembly goes,—though she is not on the same footing as regards the Council of the League of Nations, which is the executive body. I bring in this merely for the purpose of showing that there is not much achieved by merely getting into the League of Nations on the same footing and with equal status with other members. It is necessary further that the Delegation representing India should be regarded as an Indian Delegation, as a Delegation apart from that of Great Britain. It must have a national character so that full weight and full consideration may be given to the voice of this Delegation which places the views of India before the Assembly. Unless this national character is emphasised, and unless steps are taken to make the world understand that the Delegation proceeding from India is an Indian Delegation which has got views of its own apart from and distinct from the views of Great Britain, this Delegation is not likely to command any respect. It will be regarded merely as playing the second fiddle, as a second vote taken by Great Britain in the name of India. The Honourable Mr. Ramadas read out to you a passage which would show that the Indian Delegation is looked at askance by some members of the League of Nations. I do not think we need take that as gospel truth, but it shows there may be parties who may be interested in belittling the character of the Indian Delegation and in showing before the other people who are members of the League that the words of this Delegation are not entitled to any weight. They may say these are merely echoing the sentiments expressed by the British Delegation; these are merely repeating what they have been asked to say. It is necessary to make the Assembly understand that the Delegation is really Indian in order that the Indian Delegation can have its proper place, in order to enable it to fight for all the privileges which my friend, the Honourable Mr. Sethna, referred to, in bringing down the share of India's contribution, in acquiring further rights consistently with the dignity which India occupies among the nations of the world. Unless the national character of the Delegation is emphasised in some way or other, it is not possible for India to take her proper place among the nations of the world. India is not likely to be heard to say that she ought to be given a prominent place, as suggested by my Honourable friend Mr. Sethna. Unless some method is adopted, unless it is shown to the world that this Delegation really represents India, it is not a Delegation of merely the British administration, which is carrying on the administration of India with a sort of semi-responsibility to the Legislature, unless this aspect of the case is emphasised, it is not possible for the Indian Delegation to command the respect which it ought to command if this Delegation is to serve any very useful purposes at all, and it is this aspect of the matter that I wanted to bring prominently forward before this Council.

As regards the objections which have been raised, I find they are all purely technical and from a legal point of view. From a bare construction

of the Government of India Act and the Constitution which we find in the Government of India Act itself, the Honourable the Law Member may be quite correct, but it is not this aspect that is sought to be emphasised when this Resolution has been brought forward. No doubt there are difficulties. We take note of the fact that the executive government alone is entitled to appoint the members of this Delegation. This Resolution does not want to alter that. We merely ask let it not be a Delegation of a Government, which is well known to be not responsible to the Legislature; a Government which does not reflect in all its aspects the national, the Indian character, which some Government fully responsible to the Legislature would make it out. In the case of other members of the League, no doubt there is this principle that these Delegations are Delegations of the Government concerned and they are only responsible to the Government, but that attitude cannot very well be taken if the suspicion referred to by previous speakers is to be removed at all. We must make it clear that though the Government are not fully responsible to the Legislature, all the same the people have been taken into confidence, the representatives of the people have been taken into confidence, and the Delegation, though sent out by a Government not responsible to the Legislature, is really a national Delegation, because it has got the approval of the representatives of the people who meet in conclave in the Council of State and the Legislative Assembly. I take it that there may be some difficulties if the Government do not see eye to eye with the representative who is sent out. I can very well understand the difficulty which the Government will be put to if in essential matters the Delegation takes a line of attitude which the Government may not fully approve. And it is for that purpose if the Government fully represent the Indian view point, if the Government take care to select a representative who would be suitable, who would be approved not only by the Government but also by the people—I daresay there are many who can satisfy this test—it may be possible not to conflict with the principle of Government appointing representatives and at the same time the representatives who are sent out may have a national character to impress in the Assembly. If this is done, the words of the Delegation will certainly be entitled to greater weight and they will have their proper place among the other delegates who meet in the Assembly, and perhaps there would not have been very much difficulty in getting into the Council of the League of Nations as the fifth largest contributor of the funds necessary for carrying on the work of the League. As regards the other reasons adduced against this Resolution, I will only say this, that in the case of Governments which are run on party lines, where the Government represents the majority party in the Legislature, then there ought to be no difficulty. If a representative is sent, he happens to have the same views as that of the Government. In any other case among the members of the League of Nations we do not find any difficulty at all in the matter of selection by the Government. It is only a solitary instance, where a nation which has not attained to its full nationhood, or which is not allowed to attain to its full nationhood owing to various causes of which we are all aware, it is this solitary instance of a member of the League of Nations which places the delegates of India in a peculiar position. It is necessary to take all steps to remove the suspicion: if anything is done, in the shape of the recommendation contained in the original Resolution, that will go to some extent, if not a great deal, to remove the suspicion, to disarm the critics who may be inclined to belittle the activities of this Delegation. As regards the elective principle, there is no harm in accepting that even.

[Mr. P. C. Desika Chari.]

After all, the Government are given the last word in the matter, and we may trust the Legislatures to select a panel of persons of whom some at least would be acceptable to the Government, and the Government have got the last word in the matter. They can by appointing those delegates and by giving them necessary instructions how to act—that is the most important thing—they may see that the person who is leading the deputation does not act contrary to the instructions given by the Government, while at the same time taking care not to make it appear to the Assembly that this Delegation is merely a Delegation which is asked to repeat parrot-like the British view point, but a Delegation that can also take an independent line of action of its own. I have therefore great pleasure in supporting the original Resolution as it stands, because I find it is expedient and prudent to do so, because half a loaf is better than no bread, and it is better that something at least is done in this direction to see that the Delegation has the national character. It will be of some purpose and the Delegation may do some good work and may make itself felt and create an impression on the other members of the League of Nations

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN (Bengal: Nominated Non-Official): Sir, before a nation becomes a self-governing State, if a compliment is paid to it by Government in allowing it to send delegates to the League of Nations, naturally that Government gets tied in a knot such as the Government of India have got into at the present moment by sending delegates from India to the League of Nations. I do not propose here to criticise the present position. What, however, I am concerned with is not only the Resolution moved with such clarity by the Honourable Mr. Sethna, with which I may say at once I have the fullest sympathy, but also the amendment to that Resolution moved by Mr. Ramadas Pantulu. Sir, I would not like to give a silent vote against the amendment of Mr. Ramadas Pantulu. I am very grateful to the Honourable the Law Member for giving such a clear statement as to the present position of the Government of India as well as the constitutional position of a self-governing State. I think the Indian Legislatures are very often—and very naturally—inclined to overrate their own importance, forgetting, at the same time, the constitutional position. Whether the present constitutional position is to be entirely regretted is a matter I leave to others. What I feel is this that, if India aspires to be a self-governing State, it is making a great mistake in trying to inflict undue importance of the Legislatures over the Executive even if the Executive to-day were a Swaraj Executive. In these matters, as the Honourable the Law Member has pointed out, the Cabinet or the Executive Government must have unfettered discretion. It is quite true that in a self-governing State the majority of the members of the Legislature or the Parliament, as the case may be, would no doubt sway the Executive or the Cabinet of the day in their decisions. But I do not think that even in a self-governing State any Legislature would consider such a panel necessary. It is because the constitutional position in India is not fully realised that this idea gains ground. I am glad that Mr. Ramadas Pantulu, however, has been liberal enough in suggesting that these six members would not necessarily belong to the two bodies of the Legislature. But I would certainly deprecate, and deprecate strongly, if these two bodies became a mutual admiration society. But the real point to-day is Mr. Sethna's Resolution

and I should like to ask the Honourable the Law Member from what he said whether he did convey or not that, whilst the Government of India were not in a position to accept the Honourable Mr. Sethna's Resolution, he was not going to oppose it.

THE HONOURABLE MR. S. R. DAS: That is so.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN: That being so, I beg to support Mr. Sethna's Resolution.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): Sir, I think the Law Member has taken the wind out of the sails of the amendment from the legal point of view. As to the Resolution I would like to put before the House that when we call India a unit, it does not mean British India only but also the territories of Ruling Chiefs. I think to a very large extent the present Resolution has been met in a way by the Government because they have sent during the last few years as India's representatives able and picked Maharajas. The Maharaja who represented India last time has since been chosen as a Chancellor of all the Maharajas.

THE HONOURABLE MR. PHIROZE C. SETHNA: Not of the League of Nations.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: At any rate, the Ruling Chiefs must also be considered as the representatives of India. I think the real representative of India is one who is able to help the State and materially help the country from foreign encroachment or to make it more able to support its cause and not the one who by misleading the voters becomes a representative Now, Sir, if we were to see nominations and elections, I can say that India's representatives hitherto have done some substantial service to the Government and that the Government have chosen better representatives than some of the representatives of the people. This question has also to be taken into consideration. I personally think that whoever have been chosen hitherto by the Government and sent under the circumstances were the best representatives. If, for instance, Government were to choose the Nizam of Hyderabad, he is the ruler of a country just as big as Germany or France, or any of these members, taking the territory, etc., into consideration, and the same is the case with those who have been chosen by the Government. If you were to see their State forces who went to fight the battles of the Empire as well as those of India, I think there is no one who can claim that he has helped India more than those. That way too I think the representatives chosen by the Government were the best representatives. If election were resorted to, as far as I have seen in these days, any man who is able to block or try to block the present machinery of government is considered to be the best representative, so the danger is that such a man will be the first to be elected and the last to be representative. So long as India does not become a nation in the true sense you cannot call the representatives representatives of the nation. I have said this many times that India consists of various religions, various creeds, and perhaps there is one section absolutely against the other, and perhaps also one nationality in a province or in a smaller portion of a province is dead against the other; so that if that was considered I do not know who would claim to be representatives of the nation. There

[Colonel Nawab Sir Umar Hayat Khan.]

would have to be a good many battles between the provinces and the provinces and various religions, etc., before one gets predominant so as to call himself a representative. I think a nation which is a third party, which has come from outside and controls all the various small nations of India and tries to keep them together, is, I think, up to the present time the best authority to represent this continent. I think in one way all that Mr. Sethna has asked has practically been acted upon and as to the amendment, as I have pointed out, it is practically impossible now as things stand because the elected representative will not be a proper representative of India at all. I think the House for the present ought to reject both the amendment and the Resolution because it is premature.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-Official): Sir, the House is indebted to the Honourable Mr. S. R. Das, for the lucid exposition of the constitutional position of the Government, and I think I am convinced by his arguments. At the same time I wish to point out that the Delegations in recent years have given little or no satisfaction. I will only recall the Delegation for last year whose report was before us only a few days ago. It was headed by the Right Honourable Viscount Willingdon, *ex*-Governor of Madras, possessing very little experience of the Central Government and of Northern India; then we had His Highness the Maharaja of Patiala as second representative. He represents a small State of mediæval autocracy. Lastly, we had Sir Atul Chandra Chatterjee, a distinguished member of the Indian Civil Service, who recently retired from the Viceroy's Executive Council to take his place as High Commissioner for India in London. He really and truly represented the people of India. But, Sir, what are the functions which these gentlemen are called upon to perform? They were asked to discuss the reduction of armaments, the pacific settlement of international disputes, they were invited to consider the protection and welfare of children and young people, the protection of minorities, mandates, collaboration of the Press in the organisation of peace, and so on. What this House has to consider is whether these gentlemen discharged their duties thoroughly. In my opinion future Delegations should be such as would contain a sitting member of the Viceroy's Executive Council, a Prince of some eminence and a representative of the Central Legislature with substitute members from our Legislatures.

Compare our last years Delegation with the Delegation of Canada. Canada was represented by the Honourable Raoul Dandurand, Senator, Member of the King's Privy Council for Canada, Minister of State, representative of the Government in the Senate. I don't think we had a Member of this House in the last delegation. The next was the Honourable Hewitt Bostock, Senator, Speaker of the Senate, Member of the King's Privy Council for Canada. Even the Government of India had not the courtesy to ask you, Sir, to go to Geneva on our behalf. And the last name is more important, the Honourable Philippe Roy, former Senator, Commissioner-General in France. And the substitutes are equally important, Mr. Walter Riddell, Dominion of Canada Advisory Officer accredited to the League of Nations, M. Jean Desy, Member of the Canadian Bar, Professor at the University of Montreal, Professor "agree" at the Sorbonne, Counsellor to the Ministry for Foreign Affairs. Compare their Delegation with ours. Why do not we follow the Canadian example as far as possible?

I shall not, Sir, further pursue this point. I will refer you to the amendment of my Honourable friend Mr. Ramadas. He wants a panel of six persons to be elected by both Chambers of the Central Legislature, from which the Government are to choose their representatives. But he himself has answered the question, and I need not pursue it further than to quote his own dictum. He talked of policy. The policy must be the policy of the Government of India and in fact in regard to the question of the reduction of armaments it must be the policy laid down by His Majesty's Government. If Mr. Ramadas is one of the panel of six who is chosen to represent India, will he carry out the mandates of the Government of India or of His Majesty's Government? The position is one of constitutional importance. I therefore oppose his amendment.

I now come to Mr. Sethna's Resolution, and I feel inclined to oppose it also, because though my heart is with Mr. Sethna my head is with the Government. There is a very knotty point kept in the background by Mr. Sethna as well as by the Honourable the Law Member, and that is the position of the Indian Prince in the Delegation. That is the only thorn in the way. I can assure the Members of this House that the leadership of Indian Princes of India's Delegation will never be accepted by the people of India. If we support the leadership of an Indian Prince we shall be stamping the seal of the approval of this House to the continuance of mediæval autocracy which exists in certain parts of India.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, the Law Member has explained to us the constitutional position, that is to say, that we Indians having no self-government are not in a position to send representatives to the League of Nations. Such being the case what is the object, what is the gain by joining the League of Nations?

THE HONOURABLE THE PRESIDENT: The Honourable Member is perhaps misunderstanding the Resolution. There is no question of whether India should or should not be a member of the League of Nations. That question is not before us.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: The Law Member said that, as we have no self-government, we could not send our representatives to the League of Nations. Such being the case, is it necessary for us to take part in the deliberations of the League of Nations? We are paying a large sum of money, namely 8 lakhs of rupees. Apart from that there is no advantage gained by our taking part in the deliberations of the League of Nations. There is no question of the Assembly of the League of Nations giving us any extra position in the League of Nations.

THE HONOURABLE THE PRESIDENT: I am afraid I fail to follow the Honourable Member's argument. Am I to understand that he is opposing both the Resolution and the amendment? There is no question of whether India should or should not remain a member of the League of Nations. What the Honourable Member is apparently arguing is that India should not send any delegation at all.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: I say that India must be represented by a representative of the people, by a Member of the Central Legislature. If we are not in a position to do this there is no use of India taking part in the League of Nations.

[Dr. U. Rama Rao.]

Either we must have the Honourable Mr. Ramadas's motion carried, or if you are unable to carry that, the best thing is not to take part in the delegation at all. Then, Sir, Mr. Sethna has said in his Resolution that the Governor General should appoint an Indian of suitable rank to be a leader of the Delegation representing India. How could a man who is not a representative of both the Central Legislatures be in a position to represent India? His representation will not have any value or strength in the country. Such being the case, I am strongly of opinion that we must support the amendment moved by Mr. Ramadas.

THE HONOURABLE MR. PHIROZE C. SETHNA: Sir, two days ago was the first non-official day of the Council. The Leader of the House congratulated the Council that its first non-official Resolution should have been on so important a subject as agriculture. May we, the non-official Members, be allowed to congratulate the Leader, and through the Leader, the Government, for having accepted the first non-official Resolution, and I trust that similarly during the life of this Council the percentage of non-official Resolutions which will be accepted by Government will be a far larger one than was the case in the life of the last Council. I am glad, to judge from the remarks of the Honourable the Law Member, that, whilst he will not accept my Resolution, he will have no objection to my Resolution being passed. That is exactly I take it the reply he gave in answer to the Honourable the Maharaja of Burdwan.

I think, Sir, the Honourable the Law Member has reason to thank my friend Mr. Ramadas for his amendment, for the reason that the greater portion, may I say 9-10ths of his reply, was devoted to the amendment and only one-tenth to my Resolution. I think he devoted only a few sentences to my Resolution because in his heart of hearts he must admit that Government have not carried out the assurance that was given to this House two years ago and are therefore to blame. But what pleases me most, and I am sure it will please this House also, is the concluding remark in his speech that he hopes that Government will very soon make a pronouncement which he thinks will prove satisfactory to the Council. We may take that to be a very satisfactory answer to the Resolution which I have had the honour to bring forward to-day.

The Honourable Mr. Das has given very cogent reasons for not allowing the amendment to be passed. I would only like to add one more. My friend Mr. Ramadas's amendment gives very little scope to Government for the selection of suitable men; it practically gives them no selection, because it is ten to one that the men chosen for the panel might not be persons who would be in agreement with the views of Government, and as the Honourable Mr. Das has pointed out, it is absolutely useless to send a man whose views do not coincide with those of Government. On the other hand, no self-respecting delegate would undertake to go on behalf of the Government of India if he was forced to carry out views which were not his own. For that reason too I oppose the amendment. But another reason is that human nature is what it is, and if we have a panel of six, in spite of what fell from my friend Mr. Ramadas, it is quite likely that all the six would be Indians, and I for one do suggest and would insist that at least during the transition period there must be a Britisher on the delegation. For this reason as well, I oppose the amendment.

In regard to what fell from the Honourable Mr. Das and to which reference was made by Dr. Rama Rao, did I understand the Honourable the Law Member to say that India is there as a member of the League of Nations only by accident?

THE HONOURABLE MR. S. R. DAS: Because we were one of the original signatories, not by accident.

THE HONOURABLE MR. PHIROZE C. SETHNA: Yes, the accident of being an original member. Do I understand that if we were not amongst the original members, we would not be included now?

THE HONOURABLE MR. S. R. DAS: We would not be elected to-day because it is only a self-governing colony which is entitled to join.

THE HONOURABLE MR. PHIROZE C. SETHNA: My answer then is that because we contribute 8 lakhs a year surely some means would have been devised to bring us in so that the League of Nations did not lose these 8 lakhs. However that is beside the point.

In conclusion, I would once again thank the Honourable the Law Member, for no matter how briefly he has replied to my Resolution, he has informed us that a pronouncement is to be made very soon, and I do trust that this House will be satisfied with the pronouncement which is to be made. But, Sir, I would like this motion to be put to the vote in order that Government may know what is the wish of the non-official Members and consequently the chosen representatives of the people.

THE HONOURABLE MR. S. R. DAS: In order to avoid any future misunderstanding I should like to make one matter quite clear. I said in my speech that we hope to be able shortly to make a final decision on the subject-matter of this Resolution and to announce it. I should not like the House to understand that that is a definite promise on my part to make the announcement very shortly. We hope to be able to do so before very long.

THE HONOURABLE MR. PHIROZE C. SETHNA: At any rate, Sir, it will be before the members of the next Delegation are chosen?

THE HONOURABLE MR. S. R. DAS: Oh, certainly.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the leader of the Delegation representing India at the next session of the Assembly of the League of Nations'."

To which an amendment was moved:

"That for the original Resolution the following be substituted:

'This Council recommends to the Governor General in Council that the leader and other members of the Delegation representing India at the next session of the Assembly of the League of Nations be appointed from out of a panel of six persons to be elected by both Chambers of the Central Legislature'."

The question I have to put is that these words be substituted for the original Resolution.

(A division was claimed by the Honourable Mr. V. Ramadas Pantulu and taken by Members rising in their places.)

THE HONOURABLE THE PRESIDENT: The Ayes are 6 and the Noes 34; the Noes therefore have it.

The amendment was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

That the following Resolution be adopted:

"This Council recommends to the Governor General in Council to appoint an Indian of suitable rank and qualifications to be the leader of the delegation representing India at the next session of the Assembly of the League of Nations'."

The motion was adopted.

RESOLUTION *RE* FORMATION OF A SEPARATE KANNADA PROVINCE.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, I beg to move the following Resolution which stands in my name

"This Council recommends to the Governor General in Council that a Committee of officials and non-officials be forthwith appointed to inquire into, and suggest ways and means for, the formation of a separate Kannada Province."

Sir, this Resolution aims at the long-wished-for redistribution of Provinces in India on a linguistic basis. The proposal is no new one nor has it been flung at the Government all of a sudden to-day as a surprise. In fact, it has been agitating the peoples' minds ever since the inception of the Indian National Congress. Year in, year out, during the past forty years, the Congress has been putting forth its demand for the regrouping of Provinces in India based on language before the Indian Government. Just before the inauguration of the Reforms, the Honourable Mr. (now Sir) B. N. Sarma moved a Resolution in the old Imperial Council, *anent* the rearrangement of Provinces on a language basis.

Sir, the existing territorial distribution in India is the result partly of administrative expediency and partly of historical accident. The history of Indian administration under British rule reveals a steady growth in the number of Provinces into which the country has been divided. This increase was not only due to the gradual expansion of territory acquired by the British from time to time, but also to the necessity of effecting suitable rearrangements on grounds of administrative expediency. The growth of the Indian Provinces has, therefore, been more or less chronological and was not based on the operation of any logical, linguistic or ethnic considerations. This accounts for the arbitrary divisions of the country into provinces and the heterogenous grouping of districts into each province. For instance, the Mahrattas are divided between Bombay, the Central Provinces and the Nizam's Dominions; the Telugus between the Central Provinces, the Nizam's Dominions, Mysore State and the Madras Presidency; the Canarese between Mysore State, the Madras Presidency, the Bombay Presidency, Coorg and the Nizam's Dominions; the Uriyas between Madras

and Bihar provinces and till recently, the Central Provinces. Such an arrangement based on no principle whatever clearly indicates that the whole grouping was haphazard, and that neither ideals of administrative efficiency nor those of national upbuilding have ever exercised the minds of the rulers or the ruled.

Nevertheless, there have arisen individual administrators from time to time who had the perspicacity to discover the error in the existing territorial divisions and sketched a correct plan of distribution. Sir John Strachey pointed out that "the political limits of the Provinces have little connection with any physical characteristics". Sir Thomas Holderness observes that:

"with the exception of Burma, no province represents a natural unit, that is to say, the provinces do not stand for differences of race or language or geographical distribution. They are purely administrative divisions of territory."

So far back as 1902, Lord Curzon's Government wrote:

"The question of territorial and administrative redistribution in India is, indeed, in our judgment, one of the most urgent and vital of the many problems for which we are at present endeavouring to find a solution."

The Montagu-Chelmsford Report on Indian Constitutional Reforms has expressed the view that in order that provincial administrations under the new dispensation might be efficient and effective, the provinces should be redistributed in such a manner that it should be rendered possible even for non-English knowing people to take an active part in the administration of their respective provinces by the adoption of the vernacular as the language in the Councils. This can be expected only in administrative units where there is one common language and the report consequently urges on the speedy redistribution of provinces on a linguistic basis. Lastly, we have the opinion of Sir Frederick Whyte, who, in his book on India's Reformed Constitution, which is being published by the Government of India, says:

"Language is an important factor in connection with national unity in India. The various provinces should have their own languages."

He thinks local patriotism is the foundation of enduring Federalism and considers the revival of Bengali very significant. A similar revival of provincial languages in other parts of India should provide a sound foundation for provincial autonomy.

Sir, I think I have now established a strong case for the redistribution of provinces on a language basis and Kannada must on that ground be constituted as a separate Province. As I have already pointed out, the Canarese-speaking people are scattered over the various provinces of India, to wit—the Madras Presidency, the Bombay Presidency—the Mysore State, the Nizam's Dominions and Coorg. The greatest disadvantage of this political misfortune has been the *alienation among our own people*. Karnataka has a glorious historical past, it has a language rich and variously cultured and developed from different inspirations—the Jains, the Lingayats and the Brahmins—and it has a culture of its own and is bound to play an important part in the consolidation of the future federated states of India. But, at the same time, Sir, it requires no great historical insight to see that during the turmoils of political unrest in the country before the advent of British rule, she has suffered much and that since the fall of the Mahratta Empire in the first quarter of the 19th Century, the ruin of Karnataka has been complete. The peace under British rule has been

[Dr. U. Rama Rao.]

the peace of the land of the dead. To-day, Sir, owing to the helpless and dissipated condition of the Karnataka people, we find our language mutilated, our culture gone, our traditions, literature and art almost forgotten. To a man from Belgaum, Kannada from the lips of a Mangalorean sounds effeminate like the affected voice of a male actor playing the role of a female on the stage. The Mysorean retorts that the Bijapur Kannada is a ruthless slaughter of that beautiful language. Government also, though they parcelled out the Kannada people in different administrative compartments, find that in their educational policy, they want different primary text-books in the Bombay Karnataka from those that are in vogue in the Canarese Schools of the Madras Presidency. The Mysoreans again want a third set of text-books. And yet all these people represent the same culture and must be proud of their own heroes, military, literary, religious and others. By mixing together in one chaldron, two or three languages, the administration becomes more expensive and less efficient. There are at present, in the whole of the Karnataka, excluding Mysore and the Nizam's Dominions, about 3 colleges and 48 High Schools, but the curriculum of studies is different in different provinces and therefore, the uniformity in cultural advancement and progress is in no way maintained. Further, the Karnataka people sadly suffer from the want of a University of their own. Local self-government cannot be developed consistent with the character, civilization, culture, tastes and inclinations of the Kanarese-speaking people. There is no scope for the fostering of local patriotism. Nor is their voice patiently heard and their grievances adequately redressed in the local Legislative Councils, their representatives therein being in a hopeless and miserable minority unable to enforce their will against the overwhelming odds of other communities and interests. To cite a recent instance, Sir, when the Andrah University Bill was rushed through in the Madras Legislative Council, the inhabitants of Bellary, who are mainly Karnatakas, begged, petitioned, entreated, cajoled, in fact, did all that human nature is capable of doing under such circumstances, to see that Bellary is not included within the fold of the Andrah University. But, Sir, their voice had been the voice in the wilderness; so, one fairly good district of the Karnatakas had been torn from their map and there is every likelihood of its being completely Andrahsised, if no separate Karnataka province is constituted in the immediate future. The fate of other districts in other provinces also is similarly doomed.

1 P.M.

Sir, it has been admitted on all hands that opportunities for self-development, scope for civic discipline, chances for the cultivation of one's own language and literature, and above all conditions for effectual political autonomy, could exist only when each language area has a scheme of administration wholly unto itself. Recognizing this, Lord Hardinge had laid down three cardinal principles which must be satisfied before any scheme of redistribution of provinces on a language basis is undertaken. There are (1) that the settlement of boundaries in order to be satisfactory and conclusive should provide convenient administrative units, which are at once furnished by contiguous tracts of country, where the people speak a common language, (2) that the settlement should satisfy the legitimate aspirations of the people, and (3) that the settlement should be clearly based upon broad grounds of political and administrative expediency. Let us now apply those principles in the case of Karnataka. Sir, the Karnataka province of the future will consist of 10 districts, the northern

division consisting of Belgaum, Dharwar, Bijapur, Karwar and Bellary, the southern consisting of Anantapur, Hosur, the Nilgiris, Coorg and South Kanara. The total area of the British Karnataka would come to 43,615 square miles with a population of 8,211,750. Though the area is less than that of Assam, Karnataka has a population much larger than that of Assam. Geographically also it will form one contiguous tract of country providing a convenient administrative unit. The second principle is that it should satisfy the legitimate aspirations of the people. Sir, the people of Karnataka have been crying themselves hoarse for the formation of a separate Karnataka Province for a long time past. The Karnataka people with one voice demand it and the Karnataka Press warmly support it. The Indian National Congress, on a representation made to it by the people of Karnataka, has carved out a separate Congress Karnataka Province, so to say, which is now functioning as a separate and independent entity and recently the Congress had its session also held at Belgaum, in the newly constituted Congress Karnataka Province. When the late Right Honourable E. S. Montagu was in India, in connection with the reform inquiry, the people of Karnataka in the Bombay and Madras Presidencies and Coorg assembled in public meeting, resolved to present a memorial to him regarding the unification of Karnataka, and the memorial that was accordingly presented urged that:

"for the proper realisation of self-government, it is necessary to organise the country into a series of self-governing provinces, and principalities federated by one Central Government and that in order to make provincial autonomy real and effectual, the re-adjustment of provinces on a language basis is absolutely essential."

Now, Sir, the second of the conditions is thus fulfilled. Then comes the last condition, *i.e.*, political and administrative expediency. As matters now stand, we, the Karnatakas, can never exercise in either of the Provinces, Madras or Bombay, that influence to which we consider ourselves entitled by reason of our numbers, wealth and culture. This is a substantial grievance which will be felt all the more keenly in course of time as the representative character of the Legislative Council increases and with it the influence which these Assemblies exercise upon the conduct of public affairs. To take again the example of Assam, though it has a population less than our own, it has a Legislative Council of its own of a much larger representative character, while we, Karnatakas, have only 6 members to represent us in the Bombay Council and 4 in the Madras Council. Thus, administrative expediency also calls for the carving out of a separate Kannada Province. Let me add one more principle to be applied here, namely, the cost of administration. In my opinion, the cost of general administration would be comparatively small, having regard to the smallness of the area and population. Enormous savings may be effected under various headings, including travelling allowances. There are already several small administrative units in India, such as Ajmer, Merwara and the like and Karnataka will be one among that fold. The probable income of the would-be British Karnataka would be about 3½ millions and with the rapid expansion of railways, irrigation facilities, coastal traffic, etc., which are woefully neglected at the present day, the income is bound to increase and the prosperity and well-being of the Karnatakas assured and placed on a firm basis.

Before I close, Sir, let me answer one or two possible objections to this proposal. It is said that the scheme of redistribution of provinces on a language basis is not conducive to national unity, and this would eventually lead to disintegration. Sir, the upbuilding of the Indian nation is only

[Dr. U. Rama Rao.]

possible on a plan of federation in which each provincial factor shall occupy a sub-national position. To secure this end, the Provinces should be homogeneous and be devoid of elements that lead to inequality of progress so that various subordinate centres of self-consciousness may come into existence around which national life groups itself into distinct units. We have the mighty example of the United States of America and the humble instance of Switzerland in support of my statement. The United States of America consist of as many as 48 provinces each independent in itself. The biggest province has an area of 100,000 square miles and the smallest, namely, Columbia, about 70 square miles. Switzerland with an area of 15,951 square miles and with a population of 3,315,943 has got 22 provinces divided according to linguistic area. Each province is independent of the other and is not bigger than even two of our *taluqs*. In our own country, we will have at the utmost 19 provinces based on language instead of 15 incongruous, irresponsible units which we have at the present day.

The next objection is that the redistribution should not precede the grant of full provincial autonomy. To make it follow is in my opinion to place the cart before the horse. By the time we get provincial autonomy, we must have ready-made administrative units based on language and territorial integrity. Such is the scheme of provincial autonomy which Lord Hardinge had outlined for India. According to his scheme there would come into being separate, small, self-contained and self-reliant States, in which no one community could retard another in its progress. It is only thus, Lord Hardinge said, that:

"all the nationalities in India can be started simultaneously on the road to self-development and ultimate self-government. Those which advance rapidly would be given greater facilities and would necessarily be more independent than those that lagged."

Lord Hardinge added:

"No greater facilities could be given to the people of India than the fostering of local patriotism by the construction of a new map on an ethnological and linguistic basis and the consequent friendly inter-racial competition for civilized progress and ultimate autonomy."

Now, Sir, my Resolution merely asks for the necessary spade work to be done before the advent of full provincial autonomy, which, it is hoped, will come in the near future, so that a new Kannada Province may be formed at once and endowed with a separate autonomous administration. This is by no means an easy task and I have therefore proposed the appointment forthwith of a Committee of officials and non-officials to inquire into and suggest ways and means for the purpose of forming a separate Karnataka Province. There will be nothing lost by this inquiry; on the other hand a good mass of useful evidence and public opinion will be gathered and made available for ready use. I now commend this Resolution for your kind acceptance.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I beg to move the following amendment:

"This Council recommends to the Governor General in Council that, with a view to regrouping of Provinces, as far as possible, on a linguistic basis, a Committee with a non-official majority be appointed to inquire into, and suggest ways and means for, constituting the Kanarese-speaking tracts of the provinces of Madras and Bombay into a separate Kannada Province."

Sir, I am in substantial agreement with the Resolution and my amendment is intended to emphasise one aspect of the question. It is this. I desire that the claims of the Kanarese to separate provincial integration should be dealt with as a part of a comprehensive scheme of reform affecting the whole country. It is well known that with the exception of Burma and two or three other provinces in India no province represents a natural unit, and that most provinces are artificial aggregations of tracts of country which owe their origin to historical accidents or political and administrative exigences. On the one part a single people characterised by a common tradition, culture and language are cut up between different administrations and on the other hand as many as five or six distinct linguistic groups are thrown into a single province. The province from which I come, Madras, is composed of Tamils, Telegus, Keralas, Kanarese and Ooriyas.

At the same time the Telegus, Kanarese and Ooriyas are divided between four different administrations. It cannot be disputed that this arrangement has very grave defects. Firstly, it is a hindrance to good government as it cannot produce administrative efficiency. Secondly, it prevents the process of the upbuilding of the nation as it destroys the sub-national spirit of the homogeneous groups by rendering them weak, disorganised and disunited. The defect in the existing territorial divisions engaged the attention of several British administrators and their views are well worth consideration. Sir John Strachey, Sir Thomas Holderness, Sir Bampfylde Fuller, Sir George Chesney and Sir Francis Younghusband all pronounced themselves in favour of the reform. A very comprehensive survey of the question is to be found in the famous despatch sent by Lord Hardinge's Government on the 25th August, 1911, in connection with the reunion of the 5 Bengali-speaking divisions into one province and integrating the Hindi-speaking population of Bihar and Chota Nagpur into another. All the arguments that can be urged in favour of reorganisation of provinces on linguistic bases are embodied in that document.

From the popular side, the anti-partition agitation in Bengal, the Biharis' plea for separation from Bengal, Berar's desire to be added to Maharashtra, and the demand of the Oriyas, the Sindhis and the Kanarese for separate provinces were the outcome of the desire for self-expression. But each of these peoples urged their respective claims with a desire to secure greater advancement for them in education and influence in their separate provinces and did not put forward any comprehensive scheme for reorganisation of the country as a whole. The first organised attempt at formulating a scheme for the country as a whole was made by the Andhras. When Mr. Montagu visited India in 1919 and toured the country along with Lord Chelmsford, an influential deputation, composed of representatives of the 11 Telegu districts in the Madras Presidency, waited on the Secretary of State and the Viceroy and presented a memorandum on the subject. That memorandum was presented later on to the Joint Parliamentary Committee by Diwan Bahadur M. Ramachandra Rao and is to be found in the Appendices to the Joint Select Committee's Report (Volume III, page 110). I respectfully commend it for the perusal of the Members of this House. It also contains annexures giving a detailed scheme for the whole of India. From the figure then obtained the proposed Kannada Province would comprise 7 British districts covering an area of 29,000 square miles and a population of 6-1/3 millions. It is certainly large enough to have a separate administration. It will be two and a half times the size of Belgium.

[Mr. V. Ramadas Pantulu.]

It is hardly necessary to point out to this House the place which language and literature play in national development and the advantages to be derived by integrating people speaking a common language and possessing a common literature which enshrines their traditions. But I am anxious that the reform should be undertaken as a part of a comprehensive scheme, as I stated at the outset. My reasons are *threefold*. In the first place the existing provisions of the Government of India Act relating to the creation of new provinces and sub-provinces are very unsatisfactory. Dealing with the clause which corresponds to section 52A of the Government of India Act, the Andhra spokesmen before the Joint Parliamentary Committee said as follows:

"The clause does not contain any safeguards that the same form of administration prevailing in the Province from which it is separated would be guaranteed to the new province. We feel that the proposal for the appointment of a Deputy Governor and the creation of a sub-province is beset with difficulties. In the first place the clause does not define the relations between the executive of a major province and the executive of a minor province. We presume that a legislature will also be created for the minor province with subordinate powers of legislation. If this is the intention various questions, such as the powers of the two legislatures, the powers of the representation of the minor provinces on the legislatures of major provinces, the question whether the administration of the minor province will be entrusted to ministers, these and other questions arise for consideration. If it is the intention of the framers of the Bill that all these questions should be left to the decision of the Governor General in Council, we see very strong objection to the clause as it stands."

It now stands as section 52A with all these defects. So my Kanarese brethren are not in a position to know what kind of administration will be vouchsafed to them if they are forthwith integrated into a separate small province. Secondly, as Swarajists, the mover of the Resolution and myself cannot desire the multiplication of dyarchical provinces. At the same time I agree that we ought not to wait till we get autonomy. So we urge the necessity to take immediate steps, from now, to find ways and means for constituting Kannada into a separate province with such provincial autonomy as her sister provinces will secure in the revision of the constitution, which cannot be long delayed. Thirdly, by reason of the very confused manner in which various groups seeking separation are now interningled, the adjustment of the claim of one for integration as a separate unit will necessarily lead to a consideration of the claims of the other groups. So with this emphasis on the desirability of tackling the whole question as part of a comprehensive scheme, I heartily support the Resolution of my Honourable friend.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): Sir, I am thankful to the Mover for bringing this Resolution because the first Resolution had long been disposed of and we would not have had anything to do this time before the Council adjourned.

I am sorry, Sir, that most of my colleagues by leaving have left this Resolution to be moved in an empty Chamber. Perhaps they may say they do not know what this province is. Great trouble has been taken to explain, but owing to the language used and the accent of the Honourable Member some of us have been unable to grasp what was said. But all the same, as India is so backward in industry, it is a very nice thing to manufacture new provinces. I have to oppose the Resolution, Sir, because my province has lost this portion of Delhi as well as the North-West Frontier

Province, and if there are any more partitions made the provinces will become very small. That is one of the reasons why I oppose this Resolution. In India, Sir, they say that every 18 miles the language changes, so if the language was the essential condition in grouping provinces, there would be provinces every 18 miles apart all over the place. Then comes the question of economy. If this province were made, it would have to have a Governor and all the paraphernalia and all the expenditure of a province. Unless our friend would like to do the work as a Governor and pay the expenses which India would have to pay, I think it would not be acceptable to India. So I do hope, Sir, that this proposition will be rejected.

THE HONOURABLE MR. J. E. B. HOTSON (Bombay: Nominated Official): Mr. President, the Resolution which has been moved lays stress upon the particular needs of the people of the Kanarese-speaking country, while the amendment seeks to strike a more general line and asks for a reconstitution of the whole of India on linguistic grounds. I would ask the House, before they accept this Resolution or the amendment, to consider it very carefully both from the point of view of principle and also from the question whether there is any genuine, strong popular demand for such a regrouping, and in the third place, whether the proposal is administratively and financially practicable. On the question whether a linguistic basis is the best one on which to divide a country into provinces a very great deal has been said. I do not think we need go into that now. I will only point out that the experiences among the succession states of the Austrian Empire and in the Balkans do not show that distribution on this particular basis leads to peace or to happiness. It leads rather to the creation of oppressed minorities. I do not think we can press this comparison very far; at the same time it must be remembered that all over India now the cry of Bombay for the Bombay people, Burma for the Burmese, is becoming stronger than it used to be, especially in the search for all sorts of employment and most of all among candidates for Government service among their friends. Now, if we divide all India linguistically, shall we not rather be introducing a new element of difference into the country, a new division, and not strenghtening, not increasing its unity? Looking at the Bombay Presidency, it consists of four large language divisions. I do not think any one can say that the Province of Bombay has been hampered by the existence of different languages. I think, on the contrary, its culture has been widened by intimate contact between neighbours. Undoubtedly its financial resources have been increased. Sind could not have taken up the Barrage now being built at Sukkur without the assistance of the rest of the Presidency; the great irrigation schemes going on in the Deccan now could not have been taken up unless the other members of the Presidency had helped. If the forest policy in Kannada had been shaped merely by the immediate need for money in a small province, they would not have been in as flourishing a condition as they are in to-day. In Gujerat even the famines that struck so sorely at the people would have been more severe in their effects on the province and those effects would have been more lasting had not the treasury of the whole Presidency been open to help the Gujaratis. I think we must hesitate before we can accept this principle as a suitable one. Now, whether large or small provinces are better for India is another point on which I will not enlarge at the moment. At the same time some of

[Mr. J. E. B. Hotson.]

us have been in various provincial legislatures. I think each provincial legislature is proud of its own position and its own power, and it is felt very strongly that if India was broken up into a larger number of small provinces, the power of each local legislature would be less than it is now. The power of the Central Legislature would be enhanced. Now are we prepared to say at once that this is altogether a step in the right direction? Our friends want provincial autonomy. Are they going to get that provincial autonomy sooner? Are they going to make it more real by reducing the powers that the provincial legislatures have already? I think it is very doubtful. I will not say more on that point now.

I pass on to the question whether there is any strong, popular demand for this change. On this point I can only say that about three years ago it was proposed to bring in a Resolution into the Bombay Council asking for the creation of a separate Kannada Province. That Resolution was disallowed for certain reasons. It was disallowed because in the form in which it came forward it proposed in the Bombay Council that large portions of the Madras Presidency should be taken away and added to the Bombay Presidency. Had there been any great demand it would have been very easy for the people who desired to press the question to have framed that Resolution in a different way, in such a form that it would have been admitted and could have been discussed. To the best of my knowledge no Resolution of that sort has ever been brought forward or put on the paper in Bombay since then. I remember very well having seen a number of Resolutions asking for an additional Member to represent the Kanarese districts in the Bombay Legislative Council, but owing to the luck of the ballot, and to the abstension of our Swarajist friends from taking part in business during part of the last two Sessions, those Resolutions never came forward. They were put on the paper though, whereas a demand for a Kannada province has never appeared on the paper. I have had many friends among the representatives of that part of the country and have never heard them press this question strongly. Our friends from Sind have asked for separation occasionally. I do not think they really want it, but we have heard their request. We have not heard in Bombay any equally strong request from the Kanarese-speaking people. One reason I would bring forward, but time is short, is that there is no real homogeneity in the Kanarese country now. My Honourable friend has already mentioned the differences in dialects. We have also great differences in religion and in caste. We have now the people that used to be the rulers of the whole of the Karnatic reduced to the state of outcasts. We have people in the very lowest stages of social evolution, and along side them people in the highest stages. We do not see as a matter of fact that those in the highest stages are doing anything to bring forward those in the lower stages. That is not the case even in such parts of the country as are homogeneous. There is nothing to show that it would be the case were these provinces differently constituted. Now, as to practicability, we have had lots of figures. The Mover of the Resolution said that there were 8 million inhabitants in the country which he would make into a Kannada province. The mover of the amendment, if I caught his words correctly, said there were 6-1/8 millions. I have got certain figures here which show that the Kanarese-speaking people in any tract which could be brought together would not number more than about 3 millions. There

are only two districts which are almost entirely Kanarese, those are Bijapur and Dharwar. In two other districts the Kanarese number a large proportion; those are Belgaum and North Kanara. There are two more, namely, South Kanara and Bellary, in which there is a very considerable proportion of Kanarese-speaking inhabitants. Elsewhere there are very few. It is conceivable that four districts and parts of two other districts might be made into a Kannada province. In Anantapur, out of a population of 9 lakhs, there are 90,000 speaking Kanarese. In Madura there are 1 lakh out of 2 millions. In Salem, there are fewer than 1½ lakhs out of over 2 millions. In South Kanara there are 2¼ lakhs out of 1¼ millions. In Coimbatore there are ¼ million out of nearly 2¼ millions. In Bellary, one of the districts where they are strong, there are 482,000 out of 862,000. I do not think our friends mentioned Sholapur, but at a meeting which was held at Belgaum a short while ago, they claimed this district, on the strength of numbering 50,000 out of 7½ lakhs. In North Kanara, *i.e.*, Bombay Kanara, there are 226,000 out of 401,000, and in parts of that district there are no fewer than 131,000 who speak Konkani, a dialect of Mahratti. In Coorg, I find out of 163,000 only something under 70,000 speak Kanarese. The Kanarese population there is not quite 45 per cent; of the rest, a large number speak a dialect called Coorgi or *Kodagu*, which, I understand, is related to Kanarese but not the same. The two languages together will amount to 70 per cent., but the Coorgi people themselves are as strongly particularist as the Kanarese, and would as strongly resent domination by outsiders. They do not want to be eaten up by the Kanarese any more than the Kanarese want to be eaten up by others. Thus the province which the Honourable Mover would desire to create would really be nothing more than a large hole with a fringe round it. The hole is Mysore—I do not mean any disrespect to that great State by this description—and the fringe is the Kanarese-speaking country round it, with a lump on one side to represent the four Bombay districts. The total revenues of the province, so far as I have been able to make an estimate, would not reach 2 crores of rupees. Out of that how are you going to make a province with a Government and a Legislature that could command any influence in India as a whole? The Kanarese people in the Bombay Council now hold an important place; their counsels are listened to. They have influence which is as strong as that of any other section there. Where would they be if they had a tiny legislature of their own and sent up 1, perhaps 2, Members to the Central Legislature of India? It would be against their interest, not in their interest, that this proposal should be accepted.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I should like to express in the first instance my gratitude to my Honourable friend from Bombay, for by the first speech which he has made in this Council, he has relieved me of a very great deal of what would otherwise be my responsibility. His lucid and cogent statement can, I think, have left little doubt in the minds of the House as to the practical possibilities of both the Resolution and of the amendment. My task is therefore limited to explaining very briefly what is the attutude of the Government of India towards this particular proposition and to other propositions of the same character. The Government of India regard, and will always regard, with respectful and sympathetic consideration any proposals for the constitution of administrative units on the basis of linguistic areas which are clearly supported by a very strong popular sentiment and which on examination are found to produce a reasonable, sound and progressive administrative proposition. That view was held and is expounded in the Joint Report.

[Mr. J. Crerar.]

It is dealt with in the Joint Parliamentary Report on the Government of India Bill. But I should like to invite the special attention of the House to this fact that the Joint Parliamentary Report in particular lays stress upon two points. They indicate very strongly that any such proposition must have a genuine and forcible popular opinion behind it, and that opinion must, and ought to, be expressed in the first instance in the local Legislative Councils concerned. Now, Sir, it is a very remarkable thing that the Honourable Dr. Rama Rão gave no clear indication of the existence of any strong measure of popular support. Still less did he indicate to us that the measure had been considered and debated in the local Legislative Councils. Having regard therefore to the very careful pronouncement on this matter which was made in the Joint Parliamentary Report, I think that we should be acting very dangerously indeed if we ourselves at this stage accepted this Resolution, regarding which we have not the slightest ground for believing that the local Legislative Councils desire to urge it—with regard to which indeed we have evidence that opinion in one local Legislative Council at any rate is distinctly averse from it. Now, Sir, when I defined very briefly what the attitude of the Government of India would be towards a measure of this kind, I said it would necessarily be one of respectful and sympathetic consideration, but naturally also any further action to be taken would necessarily be conditioned on the existence of a large number of other factors in what would undoubtedly be a most important decision. The Honourable Member who moved this Resolution did not, I think, succeed in satisfying the House with regard to the existence of these other factors. I do not deny myself that a linguistic basis might be a very important, a very potent, factor in the constitution of an autonomous provincial area. But after all the linguistic factor is by no means the only one. The history of the Presidencies of Madras and Bombay covers a long space of time (though not precisely in their present form) and the association with them of these linguistic communities is not a thing of yesterday or to-day. Traditions, connections and interests have been formed, to which very careful consideration must be given in any scheme for a reformed administration. The historical, geographical, political, economic and social factors in the modern world are factors almost as powerful, as, if not in some instances, even more powerful, than those of language alone. On these points, I say that the Honourable gentlemen opposite have not succeeded in satisfying us. But I have one further objection to make and I wish to make it clear that I am not now discussing the general merits of the constitution of provinces in the comprehensive manner suggested by my Honourable friend Mr. Ramadas Pantulu, nor indeed am I entering into the precise merits of the proposition of the original Mover. Speaking generally, the objection which I think must weigh with us as a very powerful objection is that we are invited to take official action in a matter which I should have thought every consideration of prudence and statesmanship would have dictated should be left to popular initiative. I fear our experience sometimes has been that action taken by the Government of India with regard to the redistribution of provinces has not always been received with a very warm welcome and that its history has not always been a very happy one. It, therefore, behoves us to be particularly careful. I know that any action that we may take in this direction, however much it might be in accordance with the wishes of one of the gentlemen opposite, would be received with a very great deal of suspicion in many quarters. Might it not be said, as was indicated by the Honourable gentleman who preceded

me, that the Central Government had its own interests in having smaller, poorer and therefore weaker provinces under its control? If the Honourable gentlemen, having considered and gone into the matter further, come into this House once more with a proposition which satisfies all the necessary preliminary conditions that there is a strong, genuine and powerful demand for it, that that demand has received its natural and immediate constitutional expression in the local Legislative Councils and that the proposition which emerges will be one which is administratively sound, politically progressive and economically favourable to the populations concerned and moreover that, after taking all these considerations into account, the results of the proposition will be one which will be conducive not only to the interests of the province, not only to the interests of the communities, but to the interests of India as a whole, then we should be prepared to give our most careful consideration to that proposition and take such steps as may be found to be incumbent upon us. For these reasons I must ask the House to reject both the Resolution and the Amendment.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: The Honourable Member who spoke just now said that there was no popular demand. I have said in my opening speech that people have been anxiously asking for this province for several years. Any member of this House who will read the papers of the Karnataka province from Mangalore, Bijapur, Dharwar and other places will find that local papers have been asking every day for a separate province. Apart from that, when the Right Honourable Montagu came out to India in connection with the Reforms scheme, the deputation that waited upon him, among other questions, asked for a separate Karnataka province. The Indian National Congress after going into the facts of the case did come to the conclusion that a Karnataka province was very necessary, and so they formed the Karnataka congress circle for their own purposes. Then, again, Sir, my Honourable friend said that there ought to be a demand from the local Legislative Council. I remember aright one Member from Bombay who belongs to the Karnataka area did bring this matter to the notice of the Bombay Legislative Council, but he was told that it was not the concern of the Local Government but that of the Government of India. Sir, that was the attitude that was taken up then. Now I am asked to go to the local Legislative Councils. So, between the two Councils, there is no chance for the Karnataka province to be carved out. As for the popular demand, if the Honourable Member is not satisfied that there is any such demand as I have just now mentioned, then the best thing for him is to appoint a committee which should go about and make inquiries to find out if there is any demand or not in the country. I have shown in my opening speech that a number of meetings were held all over the province of Karnataka during the last 4 years. I am myself a Karnataka man and ought to know the feelings of the people living there. Such being the case, if the Honourable Member is not satisfied that there is a popular demand, the best thing would be to appoint a committee to go about all over the province and find out the real facts. I am much obliged to the Honourable Member, however, that he has accepted the principle that provinces ought to be formed on a linguistic basis. Sir, there is a good deal of popular support. My Honourable friend to my left said that the population of Karnataka is 3 millions. I have got a slip here by which I can show it comes to 13 millions including Mysore and Hyderabad. If you exclude Mysore and Hyderabad, the population comes to 8 millions. So, the figure that he has quoted is not correct. The figure that I have quoted

[Dr. U. Rama Rao.]

is from the Census Report which is much more reliable than either my figure or his figure.

THE HONOURABLE MR. J. E. B. HOTSON: My figure also came from the Census Report.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: But the figures which he quoted for Dharwar, N. Kanara, Coorg and Bellary are not correct. There are a number of people who talk Kanarese in Madras Districts. In all these districts Salem, Nilgiris, Coimbatore, Anantapur and the Southern portion of South Kanara they did talk Kanarese originally but now they talk Tamil, Malayam or Telugu. I want all this bordering area to be carved into a separate province. If you do not do this, year after year the number of Kanarese-speaking people will go down. In another 30 years half the population of Karnataka will speak Telugu or Maharatti or some other language. As for the income, I said 3½ crores. The moment we have a separate province, it will go up considerably. We have no railway facilities at present and if you have a coastal railway from Mangalore to Goa, the income will go up considerably. At present there is no irrigation facility at all in Belgaum, Bijapur and Dharwar and other places. They cannot raise more than one crop a year. So, unless you help us, we have no means of getting any assistance at all. Madras does not help us. So between Bombay and Madras we are nowhere. There are at present in the whole of the Karnataka about 4 colleges and 36 or 37 high schools. Sir, these are all the considerations which must weigh with the Government in forming a separate Karnataka province. With these few observations I once more appeal to Members of this House to look at this question dispassionately and see that a committee be formed to go into the question. As for expense I do not think you require a very costly machinery as in the other provinces. We do not want Members of the Executive Council or Ministers on a high pay of Rs. 5,000 per mensem.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the following Resolution be adopted:

'This Council recommends to the Governor General in Council that a Committee of officials and non-officials be forthwith appointed to inquire into, and suggest ways and means for, the formation of a separate Kannada Province'."

To which an amendment has been moved:

"That for that Resolution the following be substituted:

'This Council recommends to the Governor General in Council that, with a view to regrouping of Provinces, as far as possible, on a linguistic basis, a committee with a non-official majority be appointed to inquire into, and suggest ways and means for, constituting the Kanarese-speaking tracts of the provinces of Madras and Bombay into a separate Kannada Province'."

The question that I have to put is that that substitution be made.

The motion was negatived.

The question then is that the original Resolution be adopted.

The motion was negatived.

The Council then adjourned till Eleven of the Clock on Thursday, the 18th February, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

THURSDAY, 18th FEBRUARY, 1926

Vol. VII—No. 6

OFFICIAL REPORT

CONTENTS

Member Sworn.

Bill passed by the Legislative Assembly laid on the Table.

The Railway Budget for 1926-27.

Elections to the Panel for the Standing Committees on Emigration.

Resolution *re* Appointment of a Royal Commission to inquire into the working of the Indian Constitution—Negatived.

Election of Panels for Standing Committees.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Thursday, 18th February, 1926.

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

MEMBER SWORN:

The Honourable Sir Clement Hindley, Kt. (Chief Commissioner, Railways).

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with rule 25 of the Legislative Rules, I lay on the table a copy of a Bill to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act in respect of railway wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages, which was passed by the Legislative Assembly at its meeting held on the 17th February, 1926.

THE RAILWAY BUDGET FOR 1926-27.

THE HONOURABLE SIR CLEMENT HINDLEY (Chief Commissioner, Railways): Sir, I have the honour to present to the Council a statement of the estimated expenditure and revenue of the Governor General in Council for the year 1926-27 in respect of railways. This is the second occasion on which the Railway Budget has been dealt with separately from the general Budget, and it will be perhaps unnecessary for me to repeat the description which I gave last year of the benefits which we anticipated from this change in procedure and policy. If any doubt of the efficacy of this change remained in the minds of those responsible for it or of the wider circle of those in the Legislature who were associated with us in carrying it out, I believe that that doubt will be removed when the financial position which I am about to explain has been fully appreciated.

2. Amongst other benefits arising out of this change has been the improved opportunities which we are able to give to the Legislature to consider and criticise our work and our proposals. The convention regarding separation of finances enables us to settle the figures of our budget independently of those pertaining to the general budget, and while last year we were able to give much greater opportunities for discussion than had been

[Sir Clement Hindley.]

possible before, this year we have been able to carry out the intention, which we indicated, of thoroughly examining the figures in consultation with the Standing Finance Committee for Railways. They have approved of all our figures and in these circumstances we feel a considerable measure of confidence in placing the figures before the Legislature. Not that we expect to pass through the ordeal without criticism. The figures and explanations which accompany them are in effect a presentation of an account of our stewardship, and I will not pretend that our work has been so perfect or that this Council is so tolerant that we can avoid matters for criticism. But whatever criticism may be levelled against us or against those responsible to us, I would ask this Council, the members of which are many of them here for the first time, to show the same consideration in criticism of the Railway Department which was such a marked feature of our relations with the former Council of State.

3. One of the benefits which we anticipated from the separation of finances, and which I mentioned last year, was the fact that the obligation contained in the convention to pay a heavy contribution to the general revenues would be an impelling factor of a constructive nature running through the whole of our activities and organisation. In the figures and facts which follow I hope to show that this factor has been at work, and that, on the one hand, we have taken great strides during the past year in bringing the railway system of the country into line with requirements, and, on the other hand, that our proposals for next year are actuated by a desire to still further develop this great national property and to perfect the organisation and equipment necessary to enable it to fulfil its proper functions. I would, however, take leave to point out that the stimulus underlying this great co-ordinated effort to provide the country with a transportation system adequate to its needs had its origin in something rather less recent than the separation of finances, and separation may perhaps be looked upon as an incident, although an important one, on the path of reconstruction and re-organisation.

4. The Council will remember the parlous condition into which the railways of this country had fallen at the time when Sir William Acworth's Committee reported. They will remember the nature of the evidence brought before that Committee on the one hand by the public indicating the artificial restrictions imposed on trade and travel by the inadequacy of transportation facilities, and on the other by responsible railway administrations showing how their efforts towards improvement and development were cramped and stunted by the intolerable system of financing the railways which had obtained so long.

They will remember no doubt the remedies suggested, reorganisation of the controlling department, decentralisation, and a more business-like method of allotting funds for improvement and development. These and many other minor remedies we have been endeavouring to apply. In some directions we have had success, in others we still have much to do, but I claim that we have at least made progress.

The Council will remember that before sufficient time had elapsed for the implications of the Acworth Committee's report to be fully understood or acted upon, the railway business of the country was again brought under close examination by Lord Inchcape and his Committee. Looked at in the proper perspective, which we can apply at this distance of time,

we can recognise that the report which this Committee submitted was in many respects the complement of the former Committee's report. Though to many critics at the time there seemed to be divergent views and recommendations, I feel that nothing but the ruthless analysis of our business in all its ramifications which those two Committees applied, could have enabled us to build up our present position. The application of the ideas and principles contained in those reports to the whole of our business has brought about a synthesis of all that was admirable in both of them, and we should be ungrateful indeed if we did not give full recognition to the work which they did and the stimulus to which that work gave birth.

I cannot attempt without taking up an inordinate portion of the time of the Council to give a complete picture of the change which has been brought about as the result of this new spirit, but in dealing with the figures in the estimates and in describing our work, I hope I shall be able to show that the railway property which my department controls is now in a sound financial position, that it is being maintained with efficiency, and that it is meeting the transportation needs of the country in a manner which has never been approached before.

5. Honourable Members of this Council will have shortly placed in their hands copies of the statement of the revised and budget estimates, together with a memorandum explaining the budget and separate books which have been prepared for each railway administration under our control. They will also be furnished with copies of the speech now being made by the Honourable Railway Member in the other House. I will ask Honourable Members to exercise patience while I endeavour to give a brief summary of the outstanding figures in the estimates.

Working Results (Revenue Receipts and Charges) Commercial Lines.

6. I will first deal broadly with the estimated working results in the current and next financial years. In the budget presented last year we estimated the gross traffic receipts from commercial lines at 100 crores 65 lakhs, or with the addition of miscellaneous receipts, 101 crores and 34 lakhs of gross receipts. The working expenses were estimated at 65 crores 5 lakhs, and the total charges including interest, etc., 90 crores 54 lakhs, leaving a net gain from the commercial lines of 10 crores 80 lakhs. From the results now available for the current year the budget estimate figures have been revised and the gross traffic receipts are expected to reach 98 crores 86 lakhs only which, with the addition of miscellaneous receipts, will give total receipts of 99 crores 81 lakhs. Working expenses are now estimated at 63 crores 87 lakhs, and the total charges at 89 crores 36 lakhs, leaving a net gain of 10 crores 45 lakhs, or about 35 lakhs less than anticipated in the budget estimate.

7. For next year, 1926-27, we estimate traffic earnings at 101 crores 35 lakhs which with miscellaneous receipts will give us total receipts of 102 crores 58 lakhs. Working expenses are estimated at 65 crores and 18 lakhs and total charges at 92 crores 13 lakhs, giving a net gain of 10 crores 45 lakhs, the same as in the revised estimate for the current year.

8. Of the net gain of 10 crores 45 lakhs estimated for the current year, the net contribution to general revenues after meeting the loss on strategic railways will be 5 crores 32 lakhs, while 3 crores 45 lakhs will be transferred to railway reserves. For next year if we realise the estimated net gain of 10 crores 45 lakhs, general revenues will receive a net contribution of 601 lakhs and railway reserves will receive 2 crores 70 lakhs.

[Sir Clement Hindley.]

9. I should like to emphasise certain figures which are of importance from the commercial point of view. The total capital at charge on all railways at the end of last financial year was 655 crores, of which 580 crores was the expenditure on commercial lines exclusive of the capital contributed by Companies. At the end of the current year the total capital at charge is expected to be 674 crores, of which 599 crores represents commercial lines. After meeting all interest charges our contributions to general revenues since the separation of finances will amount to 6 crores 78 lakhs in 1924-25, 5 crores 32 lakhs in 1925-26 and 6 crores 1 lakh in 1926-27, or a total of 18 crores 11 lakhs in the three years. In the same period the amounts placed to railway reserves are: 6 crores 38 lakhs in 1924-25, 3 crores 45 lakhs in 1925-26, and 2 crores 70 lakhs in 1926-27, or a total of 12 crores 53 lakhs.

It is interesting to compare this position with the position in 1921-22 when with a total capital at charge of 606 crores, the net income was insufficient to meet the interest charges by 9½ crores. From the close of that year to the end of the current financial year the net additions to capital at charge will be approximately 68 crores, general revenues will have received no less than 19 crores 73 lakhs as clear contributions after paying all interest, the railways will have built up a reserve fund of 9·83 crores and have further established a depreciation fund which, after meeting all necessary appropriations for replacements and renewals, is expected to show a balance of 6 crores 71 lakhs. These figures present a striking contrast to the financial position of the railways at the time when Lord Inchcape's Committee reported, and it is well to remember what that Committee considered should be the aim for our future work. They laid down the principle that the railways as a whole should yield not less than 5½ per cent. on the capital invested, and they calculated that when we had had time to effect economies in working expenses we should be able to make a net return of 8½ crores per annum to the State. They did not expect that this result could be obtained immediately and in fact they even made drastic proposals for postponement of necessary expenditure in order to enable the railways to produce a net return of 4 crores in that year.

In effect we made a net return of nearly 6½ crores, while in the subsequent two years we have produced an average net profit considerably above the figure anticipated by the Committee. These figures, I claim, show that the railway property of the State during the last few years has been brought into a sound financial position, a position which has been achieved largely by the application of commercial principles and a wise financial policy.

Before passing on I would call attention to the fact that while during each year since the date of separation, the contribution of one per cent. on the capital at charge to general revenues is an increasing figure, moving from 540 lakhs in 1924-25 to an estimated figure of 580 lakhs next year, the amount to be placed to railway reserves is a steadily decreasing figure, and we are budgetting for a smaller figure for next year than the estimated amount for the current year. We have yet to learn by experience what amount should ultimately be required in our reserves, but from the analogy of what is found necessary in other commercial concerns and other commercial railways we are still a long way off from reaching a figure which will place the railways in a perfectly safe position having regard to

the obligations of the separation convention and the unknown obligations of the future. In a year, for instance, in which bad monsoon conditions might bring with it a heavy set back in earnings without an opportunity of bringing down working expenses to a corresponding degree it is conceivable that the payment of the contribution might make a very heavy call indeed on our reserves. Our contribution increases every year and our liability is an ever-increasing one. We cannot, therefore, yet estimate what figure we should finally aim at for the accumulated reserve.

On the other hand the existence of a reserve fund, meagre as it is at present, and the existence of financial arrangements which will ensure a fair share of profits going into the reserve in the future makes it possible to take temporary risks with our earning power. And as I shall explain later we have had during the past few months a most careful examination made by all the railway administrations with a view to ascertaining the best form to give to this risk. It has been decided that certain reductions in fares and freights, most of which have already been notified, will be justified by eventual increases in earnings and the existence of reserves entitles us to take the risk of making these reductions

Revised Estimate, 1925-26.

Gross Earnings.

10. In the Budget presented last year we estimated the gross earnings for this year at 100 crores 65 lakhs. Although we have had an increase in passenger earnings estimated at about 37¾ lakhs, in goods traffic we have had a serious falling off, and we anticipate receiving about 245 lakhs less than we had budgetted for. The net effect is anticipated to bring our total receipts for the year to 99 crores 81 lakhs, or 1 crore and 53 lakhs less than the budget estimate figure.

Working Expenses.

The working expenses in the current year are now estimated to be 1 crore and 18 lakhs less than in the budget estimate for the current year. This reduction is due partly to the fact that we have deferred expenditure on the work of fitting our rolling stock with automatic central buffer couplers pending a re-investigation of the method of conversion. It is now probable that we shall be able to shorten the period of interference with traffic by adopting the method of preliminary alteration and adaptation instead of using a transition device, but it may be some time before we can proceed with the actual conversion.

There is a further cause for the reduction in working expenses, namely, the fact that the special provision of 50 lakhs for speeding up repairs to rolling stock has only been drawn upon to the extent of 25 lakhs, but the solution of the difficult problem of keeping repairs up to date depends largely on the completion of certain schemes of workshop improvement which are now in hand and the results of the investigation into workshops facilities which is now going on. Meanwhile the general position in regard to repairs of locomotives and wagons shows an improvement over the position a year ago although the position as regards coaching stock is not altogether satisfactory.

[Sir Clement Hindley.]

BUDGET ESTIMATE, 1926-27.

Gross Earnings.

11. Next year we are budgetting for gross earnings of 101 crores 35 lakhs, an increase of about 249 lakhs over the revised estimate for the current year. In making this estimate we have assumed a continuance of the present favourable conditions and a good monsoon. But we have also taken into account the reduced earnings resulting from the reduction in rates and fares to which I have already referred. But for these reductions we should have been justified in placing the estimate at about 2 crores higher than this figure. As regards passenger fares, full particulars of the reductions already notified will be found in the proceedings of the Standing Finance Committee for Railways, and those who have leisure to study these proceedings will see that a very careful examination has been made of the position as regards passenger traffic on each of the large railways. The principle which the Railway Board have adopted is to let each railway administration take stock of its position, and arrange the level of its fares so as to encourage the largest volume of traffic at a paying rate. As I have said, the stronger financial position in which we now find ourselves owing to the separation of finances and the prospect of building up an adequate reserve fund makes it possible to take the risk of a temporary drop in earnings. It is, however, essential to bear in mind that reductions in fares can only be made where commercial justification exists and where such action will lead ultimately to larger net earnings and consequently a further strengthening of the reserves. Where, for instance, the normal growth of passenger traffic has been arrested or retarded, it is legitimate to conclude that a reduction of fares will stimulate travelling and bring the rate of growth back to what is regarded and what has been more or less established as the normal annual growth.

Rate fixing is always a matter of trial and error, and if a rate is fixed too high traffic will be discouraged, while if it is fixed too low profits will vanish. To hit the happy mean where profitable traffic is stimulated is the object we have in view. The recently notified reductions must be looked upon as a further stage in the experiment rather than necessarily the beginning of a downward movement of unforeseen limits. Our financial obligations compel us to go cautiously, for to drop below the remunerative point would be fatal to the whole of our financial structure. But we are confident that, with the method now adopted of analysing the flow of traffic and studying the effect of changes in fares we shall be able to go further in adjusting the charges to the needs of an ever-increasing travelling public. Railway administrations will perhaps be criticised for moving too slowly in reductions, but when the actual reductions in earnings on the different railways which we are budgetting for are studied, for instance, 34 lakhs on the Great Indian Peninsula Railway, 17 lakhs on the South Indian Railway, 33 lakhs on the North Western Railway, 18 lakhs on the East Indian Railway and reductions now proposed on the Burma Railways costing 12 lakhs, I do not think that such criticism will be held to be justified. We have at any rate made a beginning, and we have also made a beginning in the reduction of rates.

There are, of course, many claimants for reductions in goods rates. But here again the problem of rate fixing is one largely of trial and error.

although it is beset with many indeterminate factors which do not influence passenger traffic to the same extent. Commodities and their movements have to be watched and studied in different localities, and unless the greatest care is exercised changes in rates may have entirely unforeseen results. Where the movement of commodities between different points is handicapped by the level of rates to an extent which actually restricts traffic, it is obviously a business proposition to make some adjustment, subject always to the consideration that the traffic is still earning a profit. The examination which is required for this purpose is one which is continually going on, but, as in the case of passenger fares, we have felt justified in asking railway administrations to give this matter special attention with a view to stimulating the movement of any commodity where this may be possible. It is, however, specially in regard to coal traffic over long distances that we feel that there is an opportunity of affording some stimulus. We believe that in so far as we can increase the area within which the industrial use of coal is economically possible we shall thereby be stimulating industries themselves, and ultimately benefitting our railway business through the traffic which arises as a consequence of the growth of these industries. There are therefore good arguments for carrying coal over long distances as cheaply as possible. The rates at which we carry coal at present are low rates. Having regard to the high proportion which coal traffic bears to other traffic on two, at any rate, of our great railways, it is held in some quarters that these rates in themselves amount to a subsidy. There is considerable doubt whether any reduction would not bring this traffic to the point of being non-remunerative. But that is an argument which I need not enter into now because we are emboldened by what has happened in the past to believe that the reduction which we now propose to make will act as a stimulus, and that at a time when the business of coal producing and coal using is in need of such a stimulus. It is being arranged, therefore, with effect from 1st April to reduce the rates on coal carried more than 400 miles to a scale which will be equivalent to a reduction of 14 As. a ton at Cawnpore, 1 Re. 2 As. a ton at Ahmedabad and 1 Re. 10 As. at Bombay. With this new scale the charges for carrying coal over long distances will be about 10 per cent. less than at present and only 20 per cent. higher than the scale in force in 1905.

As regards the rates for coal carried over shorter distances, there is no evidence to show that any reduction that we could afford to make would result in an appreciably larger volume of coal being moved. We have, however, before us the recommendation of the Coal Committee in regard to a further rebate on export coal, and when the new Grading Board gets to work, we shall be in a better position to come to a decision on this point.

I have explained the reductions in rates and fares already decided upon. As I have said, we shall during the year bring further examination to bear on this matter, and we have in fact formed our estimate of earnings on a basis which, if other assumptions we have made are fulfilled, allows for some further adjustments.

BUDGET ESTIMATE, 1926-27.

Working Expenses.

12. The estimate for gross expenditure during next year, 92 crores 13 lakhs, is 2 crores and 77 lakhs more than the revised figures for the

[Sir Clement Hindley.]

current year. Of this sum, an increase in our interest charges owing to our higher capital at charge accounts for 130 lakhs, while an increase of 40 lakhs must be made in the appropriation to the Depreciation Fund which depends on a calculation based on the probable life of our wasting assets. There is also an increased provision for repairs to rolling stock by 35 lakhs and a slightly higher provision for operation, counterbalanced largely by the saving in our fuel bill consequent on the lower prices for market purchases of coal during the coming year, the effects of which have been explained in the Budget Memorandum.

REVISED ESTIMATE, 1925-26.

Capital Expenditure.

13. The approved programme of capital expenditure in the current year was 32 crores 7 lakhs, but while authority was given to push on with all approved works, we estimated that the railway administrations would not spend more than 22 crores 90 lakhs. Actually we expect now that the expenditure will be about 19 crores 50 lakhs, leaving a lapse of 3 crores 40 lakhs. The lapse has mainly occurred in the expenditure on new lines largely owing to delays in land acquisition proceedings, and we have been able to spend to within 40 lakhs the amount estimated for open line works.

We have taken special steps to expedite the process of obtaining approval to works of proved necessity and have simplified the system of preparing and submitting estimates and for the certification of indents, and we have also delegated larger powers of sanction to Agents and Boards of Directors. In this connection it is satisfactory to be able to announce that the Secretary of State recently has increased largely our powers of sanction for new works, and many projects which formerly had to be referred to him for sanction can now be sanctioned by the Government of India. In agreeing to this delegation the Secretary of State has recognised that the obligation which we have undertaken under the separation convention to pay not only the interest on our capital at charge but an additional contribution to the general revenues furnishes a guarantee for economical working such as justifies a wide relaxation of his control.

BUDGET ESTIMATE, 1926-27.

Capital Expenditure.

14. The programme for next year for expenditure on approved works represents an estimated outlay of 34 crores 58 lakhs from capital and of 10 crores 65 lakhs from the Depreciation Fund. We do not propose to restrict expenditure on sanctioned works as it is of obvious advantage, once they are sanctioned, to expedite them as much as possible, but we have formed our own estimate of the probable actual expenditure, which we place at 22 crores from capital and 8½ crores from the Depreciation Fund. The total demand for capital expenditure will be 26 crores as we have included 4 crores for the purchase of the Delhi Umbala Kalka Railway. The terms of this purchase and the reasons which justified it are explained in a statement attached to the Budget Memorandum.

15. The gross figure of capital expenditure involved in the programme for next year is divided into 24 crores 76 lakhs for open line

works and 9 crores 82 lakhs for the construction of new lines and lines at present under construction. For open line works we are allotting 17 crores 87 lakhs and for rolling stock 8 crores 10 lakhs. The Budget Memorandum gives full particulars of these open line works, which are shown in greater detail in the separate books for each railway. This expenditure is directed not only towards the better and more efficient handling of present traffic, but also towards enabling the railways to meet the natural expansion of traffic and further to stimulate that expansion. Amongst the most important of the various items included in this category is the provision for remodelling marshalling yards 3 crores 40 lakhs and doubling and quadrupling of existing tracks 1 crore 40 lakhs. These works are primarily intended to expedite and facilitate the movement of traffic by increasing the capacity of various routes. For instance, the Bombay-Poona section of the Great Indian Peninsula Railway is to be improved by eliminating the reversing station at Bhore Ghat, the doubling of the Grand Chord line of the East Indian Railway is approaching completion, the Bombay, Baroda and Central India Railway line into Bombay is being quadrupled, and the Ishurdi-Gopalpur section of the Eastern Bengal Railway is being doubled. Amongst the larger yard remodelling schemes are the Victoria Terminus at Bombay, Ahmedabad station, Lucknow and Trichinopoly, important junction stations whose limited capacity has been a severe handicap to traffic, while progress will also be made on improving a number of other stations which are at present unable to deal with traffic with that expedition and efficiency which we must have if we are to continue the present all-round improvements. In this connection I may mention that the introduction of improved statistics has been of great value in analysing the work done in marshalling yards and has been the means of suggesting many improvements and economies in working. We have also had during the year an officer on special duty making a special study of some of the larger centres of traffic congestion, and his work has been of great value in designing improved arrangements. The work done covers, for instance, the important centres of Delhi, Cawnpore, Agra, Naihati and certain stations and sections on the Bengal Nagpur Railway.

Another important group of improvement works is represented by the provision of 2 crores and 25 lakhs for improved rails and sleepers and 1 crore for strengthening of bridges. These works are the yearly instalment of the steady process of raising the standard of our main lines to carry the heavier train loads now necessary. Each railway now has its properly co-ordinated programme for strengthening and improvement of bridges and track, working up towards definite standards which the Railway Board has prescribed. In regard to these standards, in which considerations of the design of locomotives and rolling stock, the design and weight of rails and track and the design of bridges have to be co-ordinated, the Railway Board continue to investigate and study the question of appropriate standards, and for this purpose we have permanent Standing Committees to advise us on the different aspects of the subject. There is perhaps no branch of our technical work which requires more attention and care if we are to meet the growing demands for improved capacity and at the same time take adequate advantage of the accumulated experience in this and other countries. To carry our increasing traffic with efficiency we have to continue to make progress towards heavier train loads, which means larger rolling stock, heavier locomotives and heavier axle loads with the natural consequence of stronger track and bridges. The normal length of life of bridges and permanent way

[Sir Clement Hindley.]

make it necessary to take very long views of probable increase in loading, and it is necessary therefore to continually study and improve the standards by which design of all this equipment is governed.

Another important item is 2 crores for electrification of lines. The opening of the electrified Harbour Branch at Bombay a year ago was mentioned as the first step in introducing electrification in India. Within the last few days the electric train service has been continued to Bandra, and the great improvement in the convenience which this affords to those who live in the suburbs and work in Bombay is expected to result in a large increase in traffic. The electrification of the suburban lines of the Bombay, Baroda and Central India Railway is well in hand, and when this is completed and electric trains take the place of steam trains in the whole of the Bombay suburban area, there is little doubt that Bombay will feel a very great benefit and that a better distribution of its great population may be looked for in the early future.

The re-examination of the problem of suburban traffic in Calcutta, as the result of the decision to proceed with the construction of the new bridge at Bally, is now approaching completion, and we expect shortly to receive the report of the Electrical Engineers on the revised electrification scheme. If on this report it appears that a sound financial scheme can be worked out, there is little doubt that we shall go forward with it without delay, and we hope that it will be possible to bring suburban passengers much nearer to the centre of the city than is now possible.

The Madras suburban traffic problem will also be dealt with in the coming year, and we expect to make considerable progress with the additional tracks on the South Indian Railway which are the primary necessity in this area. The question of electrification depends to some extent on the prospects of hydro-electric power supply and in regard to this we are in close touch with the Government of Madras.

On the Bombay side the main lines of the Great Indian Peninsula Railway are to be electrified as far as Poona and Igatpuri at a total cost of 5½ crores, and we are making a provision of 19 lakhs for the initial work next year.

We are continuing a fairly heavy programme of workshop improvement and remodelling including the provision of new plant and machinery, the necessity for which was fully explained and accepted at the time of last year's budget. So far as the State railways are concerned, the problem of co-ordinating the facilities and equipment in the larger workshops has become an urgent one. In making extensions and revisions of the lay-out of these workshops, which must be done if we are to work economically and take advantage of modern improvements, it is necessary to avoid overlapping and duplicating where this is possible, and we, therefore, decided to get expert advice on the whole subject. We were fortunate in obtaining the services of Sir Vincent Raven, an eminent mechanical engineer and President of the Institution of Mechanical Engineers, and he and his committee are at present engaged on investigating this problem. We hope that as the result of the advice of this committee we shall get the best possible value from the expenditure which in any case will be necessary on these workshops in the near future.

16. The programme for rolling stock authorises the construction of 692 broad gauge units and 285 metre gauge units for lower class traffic, and 146 broad gauge and 71 metre gauge units for upper class, part of these being renewals and part additions. Altogether we are allotting 148 lakhs for additions and betterments to lower class stock. The work which can be put through in the year is still limited to a large extent by the capacity of our workshops, and in view of the fact that reductions in fares must, if they are to be justified, stimulate traffic, it will be understood that workshop improvement admits of no delay.

17. As regards locomotives, we are providing for the addition of 90 new broad gauge engines and 63 new metre gauge engines besides normal renewals. The policy of the Railway Board in regard to standardisation of locomotives has been fully explained in successive Administration Reports, and we have recently reached the point of having new standard designs for a number of types of locomotives finally drawn up. These standard designs embody modern locomotive practice which is considerably in advance of the present standard engines designed many years ago and are specially suited to Indian conditions. Before these types are finally accepted as our future standards, they must be tried out and any defects which become apparent in actual work must be eliminated by changes in design or detail as may be required. The provision in next year's budget will be largely utilised for obtaining the necessary number of trial engines to the new type to enable them to be tried on the principal railway systems under varying local conditions. This marks an important stage in our development and brings us measurably nearer to complete standardisation—a condition which will enormously simplify many of our present problems of repairs and renewals.

18. In concluding my remarks about rolling stock I may mention that the programme includes allotment for 2,702 additional goods wagons besides the renewal of 4,650 wagons during the year. It is, of course, necessary to place orders for wagons required in any one year several months before the beginning of the year owing to the time taken for manufacture and delivery. The various railway administrations requiring wagons of similar types agreed to combine in making a simultaneous call for tenders. These tenders from Indian, British and Foreign firms were examined by the Railway Board and orders have been placed with Indian wagon building firms to the full extent of their capacity as certified by the Indian Stores Department. The balance has been ordered from an English firm which submitted the lowest satisfactory tender. Prices quoted by the Indian firms were the lowest hitherto quoted by them. The difference between these prices and the equivalent of the lowest satisfactory quotation from abroad will be met from bounties payable under the Steel Protection Act.

New lines.

19. As will be seen from the Budget Memorandum we are expecting to have under construction during next year a new construction programme of over 2,500 miles covering no less than 63 different projects. But this represents only a part of the development which we are actively considering. We have dealt with the problem of new construction on the basis of examining the whole country in separate areas roughly corresponding to the areas served by the different railway administrations, and we have asked each railway administration to prepare a continuous programme of survey and construction over a period of years taking, as in the case of the improvement programme, the quinquennium as the most suitable

[Sir Clement Hindley.]

period for this purpose. The investigation of projects by means of surveys and the collection of data for traffic estimates takes a considerable time and the number of months in the year when this work can be undertaken is somewhat limited. Also most railways have been so pre-occupied during the past few years with the problem of improvement to their open lines that they have not been able to spare the necessary staff for the full investigation of the construction problem. We have got over this to some extent by special recruitment on a temporary basis, and we have arranged that most railways shall have an officer at headquarters specially engaged on this important work. We have also been in close consultation with Local Governments and are endeavouring to meet their wishes as regards the routes to be taken and the order in which projects shall be taken up. In this connection I may remind the Council of the arrangement we have established under which it is open to a Local Government, in cases where our estimates do not show a remunerative prospect, to obtain the construction of a railway by guaranteeing us against loss. This arrangement is already proving advantageous in enabling us to consider and bring up to date projects which would otherwise have been indefinitely deferred.

20. The programmes of work on survey and construction which the railway administrations are now engaged on, revising them and adding to them from year to year, indicate that we have only made a bare beginning on favourable construction projects, and our improved financial position resulting from the separation of finances enables us to take a bold line in this direction. The total mileage of the projects which we have either sanctioned or are having investigated amounts to between 6,000 and 7,000 miles, and when all our arrangements are in full swing, I see no reason why we should not bring up our total yearly mileage addition to something in the neighbourhood of 1,000 miles. With this in view we are providing a larger allotment for survey work in the coming year with the object of completing and revising projects which promise to be satisfactory investments.

21. I will deal briefly with the various large areas which we have examined in the present investigation. In Burma construction is proceeding on a number of important new branches. In addition we have under consideration further branches which it is hoped will open up the country, while a survey is now being made for an extension to Tavoy and Mergui with the possibility of a connection in the future with the Siamese Government Railways. A survey is also in progress, in collaboration with the Government of Burma, for a better route through the Arakan mountains, a region which has hitherto opposed great physical difficulties to successful railway construction. The total mileage of the lines on the future programme of the Burma Railways amounts to about 1,800 miles in all, most of which, we hope, will prove to be of a remunerative nature.

In South India our papers will show that active construction is proceeding on the South Indian Railway on a programme contemplating the addition of 250 miles a year during the next 6 years.

The territory served by the Madras and Southern Mahratta Railway does not present such a promising field for new construction, but prospects are being investigated of a number of projects amounting with those already sanctioned to about 500 miles. New branches with a total length of about 100 miles have recently been sanctioned and others are under investigation.

In the area lying between the East Indian Railway and the East Coast which is largely served by the Bengal-Nagpur Railway we have two great projects in hand. The first is the Central Indian Coal Fields Railway with a total mileage of nearly 300 miles designed to serve the new Karanpura coalfields area and to give an outlet to Daltonganj on the one side and to the Bengal-Nagpur Railway main line on the other, with a future connection towards the west which it is hoped will enable the coal measures in Korea to be developed and will considerably cheapen the transport of coal to the west of India. The Hesla Chandil Railway, which forms a part of the scheme, will probably be opened in the course of the year, while the line from Bermo to South Karanpura has recently been completed. The second is the completion of the Raipur-Vizianagram line, 260 miles in length, with which is intimately connected the construction of a new harbour at Vizagapatam. Construction on the railway has commenced and a provision of 1¼ crores has been made for next year. Work on the harbour has also commenced, and the suction dredger which has been ordered is expected to arrive at the harbour next October. If all goes well, it is anticipated that a channel will be opened during next cold weather which by this time next year may enable an oceangoing ship to reach smooth water in the harbour area which is now being prepared for that purpose. I may mention that the harbour construction project does not find a place in the railway budget, but in the general budget, although for administrative reasons the work is under the control of the Railway Board.

In Eastern Bengal, several remunerative projects with a mileage of about 150 have recently been sanctioned, and several other projects are under investigation.

In Assam, we are in agreement with the views of the Board of Directors of the Assam-Bengal Railway that that railway can only be made to pay its way by the development of the area it serves by means of branches, and the Agent is preparing a programme which will eventually add a mileage of some 550 miles in that province. For the present we have sanctioned several small branches which give promise of bringing considerable additional traffic to the main line. I may say that after many years of unremunerative working this railway is at length shewing signs of reaching a better financial position, but it has many handicaps owing to its geographical position, and the greatest care is still necessary in watching expenditure.

In the United Provinces and Bihar, we hope to go forward with new construction through some of the prosperous districts which are still meagrely served by Railways and where there is a chance of improving traffic to the benefit of the locality and to the main lines of railway. At present between 200 and 300 miles of new lines are under consideration

The problem on the Bombay side is being tackled by the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway, and it is hoped that the result of their present investigations will enable us to go forward with new construction in that area on a fairly extensive scale, although it must be admitted that except for cheaply constructed branch lines there is not the same inducement to build as there is in some of the more populated and highly cultivated areas.

In the Punjab, we have already come to decisions in regard to some of the projects which have been under consideration, and apart from the Kangra Valley Railway on which construction is now commencing, we

[Sir Clement Hindley.]

hope shortly to begin work on the Narowal-Amritsar connection and the Narowal-Shahdera line, while we have recently appointed a special engineer to investigate a large number of smaller projects, some of which were formerly considered to be suitable for agricultural tramways. We have been working in agreement with the Punjab Government in this matter, and we have decided that many of these lines can only prove to be remunerative if built on a lower standard than that usually adopted. We have in fact in preparation a scheme of building light broad gauge branches suitable for agricultural areas which, with the facility they give for interchange of rolling-stock, we believe, will prove of great use to the local population. I would draw attention to the assistance which it is hoped that railways will thus be enabled to give towards the improvement and betterment of agriculture generally, and I have no doubt that this subject will be one which will be of interest to the Royal Commission which has recently been announced, when it comes to make the investigation.

In Sind also we have taken up the question of feeder lines in agricultural districts where extensions of irrigation promise a definite improvement in output, and North Western Railway administration are in close communication with the local authorities in that province.

In concluding this review of the construction programme I would repeat that the mileage added to the railways last year and this year are only a partial index to the work which we have in hand and that we expect before long to reach a much higher output.

General Matters.

22. I now wish to mention a few of the directions which our activities have taken during the past year and in which we hope to make further progress during the coming year, but which are not perhaps very apparent from the papers connected with the Budget.

Management and Organisation.

23. The direct management of the Great Indian Peninsula Railway was taken over on 1st July 1925 and a few months later the Allahabad-Jubbulpur line was transferred from the management of the East Indian Railway to that of the Great Indian Peninsula Railway, thus completing the rearrangement which had been earlier decided on. The amalgamation of the East Indian Railway and the Oudh and Rohilkhand Railway and the transfer of certain portions of the combined system to the North Western Railway administration has resulted in consolidating our State-managed railways into self-contained units, each working in a well defined geographical area. These administrations are now organised on a Divisional basis and the new organisation is already showing satisfactory results. It is interesting to note that several of the Company-managed railways are considering the adoption of a somewhat similar organisation.

Rates Advisory Committee.

24. His Excellency the Viceroy recently announced in this Council the appointment of Sir Narasimha Sarma, the former distinguished Leader of this House, to be the first President of the Rates Advisory Committee. It is expected that the Committee will be fully constituted very shortly, and that it will be able to take up its duties by the beginning of April.

It is a matter for great satisfaction that we have come to an agreement with the Company-managed railways which enables us to constitute this Committee because the Railway Board have consistently held the view that the work which it will undertake in investigating questions of railway rates will serve to present to the public a reasoned analysis of the system upon which railway charges in general are based, and thus help to meet in a large measure the criticism, at present mostly of an uninformed nature, which is so frequently levelled against the present system. We court the fullest publicity in these matters, and it is the inherent difficulty in explaining the details of the problem to those who naturally only see one side of it, which has so often given rise to difficulties in the past in justifying what is being done by the railways. We also believe that the study and examination of the various rates problems which the Committee will no doubt be called upon to investigate will be of practical and constructive assistance to the railway administrations themselves in building up rates structures on a scientific and generally understood basis. We, therefore, look forward with confidence to the establishment of this body and the results of its labours.

Health of Railway Staff.

25. One of our greatest preoccupations is concerned with the many difficult questions which centre round the problem of the health and comfort of railway staff. I am aware that there is a school of thought which professes to regard this problem as of subsidiary importance or even of no importance at all compared with the comfort of our clients—the travelling public—and are prone to read into any provision which we may make for the betterment of the conditions of the staff a necessary neglect of the passenger and his comfort. There are others who accuse us of wilful ill-treatment and a callous neglect of the interests of those who serve the railways. Actually the subject is always before us and the railway administrations, and there are at present sitting committees of the Indian Railway Conference Association to consider, for instance, how the conditions of railway labour can best be brought into line with the obligations assumed by India under the various International Labour Conventions. That subject is a very complex one, and there is always a danger in generalising, but at any rate we have made a great deal of progress in the direction of complete conformity with the standards laid down, and I hope that the result of this committee work now being done will help to resolve some of the practical difficulties. But in the direction of improvement in health and surroundings there is much to be done, and during the last year we have had a senior administrative medical officer on special duty to study the problem on the North Western Railway. The object of his investigations has been to devise a better organisation for medical treatment of the staff on that railway and for dealing with public health problems in railway settlements. We have his report now under consideration, and I hope that in the course of next year we shall be able to bring about the desired improvement, for we are satisfied that improvement is necessary. The officer referred to has visited practically every railway in India and has made a careful study of the medical arrangements on each of them. His work has assisted in making it clear that a great deal has yet to be done in studying the incidence of sickness and disease amongst railway employés, and apart from the obvious obligation to give these men adequate opportunities of treatment the subject has its commercial aspect in the loss of working time which at present preventible disease entails.

[Sir Clement Hindley.]

Timber Supplies.

26. Another important subject on which we have been working is the improvement of supplies of indigenous timber for various classes of railway work. Last year we had an examination of the sources of timber supply for sleepers throughout India, and subsequently we had an inquiry into the possibility of extended use of cheaper Indian timber in coach building. In both of these investigations the Forest Research Institute at Dehra Dun afforded us very valuable assistance as well as helping us with advice and supervision in connection with the sleeper treating plant which we have established in the Punjab. In furtherance of the object in view, namely, the use of indigenous timber to the fullest extent possible coupled with economical purchasing we have attached to our staff as a temporary measure an officer of the Imperial Forest Service who helps our purchasing officers, keeps our engineers and other users of timber in touch with local conditions of supply, and who will, I hope, afford useful help in exploring the uses of cheaper substitutes for the few timbers which have so long been regarded as the only ones suitable for railway work.

Training of the Staff.

27. The School of Transportation which we have started at Chandausi has done good work during the year, and over 1,000 railway men, officers, upper subordinates, and lower subordinates, Indian, Anglo-Indian and European, selected mainly from the East Indian Railway and North-Western Railway, have attended for varying periods for courses of instruction in railway duties. Junior officers and probationers from most of the railways have also been sent for training. The accommodation at the school is rapidly becoming inadequate to the requirements of the upper and lower subordinates from the area which it is designed to serve, and it will be necessary in the early future to separate the senior classes and move them to another centre in order to cope with the subordinate staff training. The object we are aiming at is to make provision for courses of training and refresher courses for all the staff who have duties in connection with train movement, and it is obvious that the full benefit of this scheme will not be attained until the school is equipped to deal with a sufficient yearly quota to enable all the staff in the area to attend within a period of a few years. For this purpose Chandausi as an area school will deal with the Northern Divisions of the East Indian Railway and the Eastern Divisions of the North Western Railway. The remainder of the East Indian Railway staff are at present dealt with at Asansol where a similar school exists, but this will eventually be removed to Sahebganj and suitably expanded. A similar area school is now being constituted at Lyallpur on the North Western Railway, while the Great Indian Peninsula Railway are arranging to establish one at Bina.

As I have said, the time is approaching for the officers classes now at Chandausi including the probationers training to be moved to another centre where it will be possible to develop them on broader lines with the eventual aim of establishing a Railway Staff College for the training of the superior staff of various departments. We have been looking for a suitable site and there is now the possibility of obtaining one at Dehra Dun. We hope, therefore, that in the near future we may be able to see the beginnings

of this new institution which, in my opinion, will be of incalculable benefit to our railways.

Railway Accounts.

28. In one of the matters on which we received healthy advice from Sir William Acworth's Committee, namely, the re-organising of our accounts on a commercial basis, it must be confessed that we have not made much progress, although we have made a beginning by introducing a new system of compiling statistics with very great benefit to the work of all our departments. We have further, with the assistance and the approval of the Auditor General and the Finance Department, undertaken an experiment on the East Indian Railway in the direction of separation of accounts from audit. Our accounts however still bear the impress of many years of association with those of Government Departments of a purely administrative character, and I am very glad to say that it has at last been decided to have them overhauled from top to bottom by a firm of commercial accountants of world-wide repute, who have great experience of railway accounting in Great Britain and America. In this wise decision I venture to hope that we have at length seen appreciation of the fundamental difference between audit and accounting, and I trust that it will be the means of putting into the hands of both our administrative and executive officers accounts which will show them easily, and from day to day, the true commercial aspect of the various branches of work they control, while affording us the very great benefit of completely independent auditing of our accounts. I do not think I shall find any one to quarrel with the statement that accounts should be the servant and not the master of a commercial undertaking or with our determination to give effect to this principle in the commercial business of railway management.

Conclusion.

29. I have earlier in my speech compared the position of the railways now with their position when they were reported on by Sir William Acworth's Committee and Lord Inchcape's Committee, and in concluding my remarks I would like to draw attention again to this startling change. The railways are now paying their way. They are not only paying a satisfactory return on the capital invested, which in itself gives confidence in embarking on an extensive programme of new construction, but they are already building up reserves, although the process of rehabilitation, improvement and development goes on at a rate not thought attainable 3 years ago. And lastly, while we believe they are meeting the transportation needs of the country more fully than ever before, they have been able to make a beginning in the reduction of their charges to the public for the commodity which they sell. With this short summary I feel that I can confidently leave the Budget to the friendly criticism of this Council, but I should like finally to pay a tribute to the energy and ability with which the Agents and officers of the various railway administrations have approached the great problem of reconstruction, as well as the loyalty and efficiency of the staff of all grades in carrying out their daily work in the service of the public and in the interests of the railway systems on which they serve.

ELECTIONS TO THE PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT: Nominations for election to the panel from which Members to the Standing Committee on Emigration will be nominated were receivable up to 12 noon to-day. The following Members have been duly nominated:

The Honourable Mr. V. Ramadas Pantulu.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Seth Govind Das.
The Honourable Mr. P. C. Desika Chari.
The Honourable Rai Bahadur Lala Ram Saran Das.
The Honourable Saiyed Mohamed Padshah Sahib Bahadur.
The Honourable Mr. K. C. Roy.
The Honourable Rao Sahib Dr. U. Rama Rao.
The Honourable Mr. Mahmood Suhrawardy.
The Honourable Mr. Haroon Jaffer.

As there are ten nominations and there are only eight vacancies on the panel, an election is necessitated unless two Members at least withdraw in the meantime.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: I beg to withdraw, Sir.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: I also beg to withdraw.

THE HONOURABLE THE PRESIDENT: Two Honourable Members having withdrawn their nomination, I am therefore in a position to declare the following Members duly elected to the panel:

The Honourable Mr. V. Ramadas Pantulu.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Seth Govind Das.
The Honourable Mr. P. C. Desika Chari.
The Honourable Rai Bahadur Lala Ram Saran Das.
The Honourable Saiyed Mohamed Padshah Sahib Bahadur.
The Honourable Mr. K. C. Roy.
The Honourable Mr. Haroon Jaffer.

RESOLUTION *RE* APPOINTMENT OF A ROYAL COMMISSION TO INQUIRE INTO THE WORKING OF THE INDIAN CONSTITUTION.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I beg to move the following Resolution which reads thus:

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and inquire into the working of the present Indian constitution and to formulate a scheme for the establishment of responsible government in India."

I need make no apology for bringing forward this Resolution, for the constitutional question is irrepressible and it is bound to press again and again for consideration until a permanent satisfactory solution is reached. More than five years have passed since the reformed constitution was introduced. The very first year of the meeting of the Indian Parliament was signalised by the adoption by the Legislative Assembly of a Resolution, the original of which was altered as suggested by Government themselves, and in its amended form it recommended a re-examination and revision of the constitution at an earlier date than 1929. Much water has flowed under the bridges since then, but the one most outstanding feature of the currents and under currents of thought during the last five years has been a persistent demand for such further constitutional advance as will secure the goodwill and co-operation of all schools of political opinion in this country—I mean all those schools which unitedly may be taken to represent the bulk of the Indian people—and thereby lay the constitutional issue comparatively at rest. If this is done it will lead to the concentration of the energies and efforts of the chosen representatives of the people and other leaders upon the numerous problems of internal development and progress, which, owing to the overpowering pressure of the constitutional problem, have not been receiving and indeed, in the very nature of things, cannot receive, that measure of undivided and steady attention to which they are entitled. The constitutional issue has thus loomed the largest on the political horizon of India. It has demanded the earnest attention of Government and of the Indian Parliament in one form or another. Only last year in the Simla Session, the question came up in the form of an amendment to a Government Resolution moved in the Legislative Assembly, by the leader of the Swaraj Party, and in the then Council of State by myself. The different decisions of the two Houses on that amendment are well known to Honourable Members. The Legislative Assembly adopted it by a very large majority which represented the unanimous view of the Swaraj, the Independent and the Liberal Parties. In this Honourable House, the amendment was rejected and the Government Resolution was adopted.

Since the September Session, the Indian National Congress, the Muslim League, the Liberal Federation, the Non-Brahmin Conference, the Christian Conference and other Congresses and Conferences whose number, as has been remarked by a European writer, is legion, have met at their annual sessions, and we have once more had the considered views of the more important political bodies on the constitutional question. One notable and significant event in this connection has been the open declaration by a section of the Swarajist Party—a section by no means inconsiderable or uninfluential—that they disapprove of the policy of obstruction and are in favour of pursuing what is called the policy of responsive co-operation which means nothing more nor less than the policy of co-operating with the Government in carrying out all such policies and measures as are not repugnant to reason or detrimental to the interests of the people. . . .

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): From their point of view.

THE HONOURABLE MR. PHIROZE C. SETHNA: Yes, each man has his own point of view.

Now, Sir, the Resolution which I am moving has been brought forward in the light of all these circumstances. It has been framed in the light.

[Mr Phiroze C. Sethna.]

first, of the history of the constitutional issue during the last five years, secondly, of the decisions of the Indian Parliament in the last Simla Session, and, thirdly, of the considered views which different sections of Indian opinion have expressed in their conferences held within the last six or seven weeks. With regard to this second circumstance, I am not blind to the significance such as it is of the decision reached by the predecessor of this Honourable House. After all, the Indian Constitution is bi-cameral and Indian opinion, as far as I know, is very largely in favour of its being and continuing to be bi-cameral. The decisions of this House are therefore entitled to as much consideration and weight as those of the Legislative Assembly. In this connection however I may be permitted to add that some of those Honourable Members in the last Council, who voted against my far-reaching amendment, expressed themselves in favour of the appointment of a Royal Commission before the statutory period and indeed my Honourable friend Mr. K. C. Roy moved an amendment recommending the appointment of a Royal Commission or any other suitable agency not later than 1927. It is true he withdrew the amendment, but there is the important fact that such an amendment was moved, and further that it was supported by some of those who were not able to go the whole length with me. After these remarks which I have deemed necessary to make in order to clarify the issue and to enable this Honourable House to see the question which I am submitting to its judgment in the proper perspective I shall turn to the Resolution itself. My Resolution is a plea for the immediate re-examination and revision of the existing constitution by a Royal Commission. In urging that plea and bespeaking the support of this House to my Resolution I wish to appeal to the intellect and reason of the House and of the Government. I shall scrupulously avoid all passion, bitterness of feeling, recrimination, all uncalled for and unnecessary attacks upon Government for their sins of commission or omission, real or fancied. I shall further eschew all considerations of sentiment except to the extent that the sentiment which is strong, which is persistent, which is entertained by varied or large sections of the community constitutes in itself a fact of great importance which reason ought not to brush aside as irrelevant nor statesmanship ignore as of no value.

What, then, are my grounds for urging that the time has now come when the existing constitution of this country should be examined and revised, and that a Royal Commission should be immediately appointed for the purpose? I start with the position that it has been conceded by Government that there is no legal bar to the appointment of a Royal Commission for this purpose at any time before the expiry of the period of ten years fixed by the Government of India Act. We all know the statement made in such picturesque and arresting language by the Secretary of State that "Wise men are not the slaves of dates, rather are dates the servants of sagacious men". So far then the position stands beyond question. Starting from that point, I contend in the first place that the working of the constitution during the last five years and indeed the examination of the constitution by the Reforms Inquiry Committee, better known as the Muddiman Committee, even within the limited terms of reference made to it have clearly shown that the constitution has not succeeded in achieving the object with which it was established to the

extent and in the manner expected. The constitution has failed not in the sense that the administration is not going on and going on as efficiently as before. not in the sense that the Legislatures are not working and that the Executives are at a standstill, but in the much higher sense that it has failed to give that measure of training in responsibility which was its avowed object and without which no real and continuous progress in the attainment of full responsibility is supposed, I think rightly supposed, to be possible. And it has failed to achieve this result, not for any fault on the part of the people, not on account of non-co-operation, not owing to any obstructive tactics of the Swarajists, but owing to the supreme fact that at its very inception and to a considerable extent in its very nature it was so conceived and devised that it could not have produced any better results.

I concede, Sir, that training in responsibility is necessary before full responsible government becomes familiar to the people and can be worked by them with a high degree of efficiency and a large measure of success. But in order that such training might be acquired, the measure of responsibility must not be stinted. It must be substantial, it must be real. It must not be an apology for liberty, not a liberty so hedged round with limitations and qualifications as to make it a mere camouflage or flimsy and unsubstantial in its nature or working. The responsibility which the present constitution has granted in the domain of the provinces is of such a nature. And I say, therefore, it is utterly ill-calculated to give the electorates that training in responsible government upon which insistence is laid. In the domain of the Central Government, indeed, where vital issues are decided there is an utter absence of responsibility. The constitution of the Central Government is, in fact, open to the same serious objections as were urged against the Congress League Scheme of 1916 and to some extent against the Morley-Minto Reforms, all arising from an irremoveable executive which has to depend for support upon an elective majority and which in its turn, owing to its being excluded from responsibility, is naturally inclined to play the role of permanent opposition. Such a constitution cannot fulfil the ends it has in view and the sooner it is revised the better for all.

My second ground for urging the early appointment of a Royal Commission to review and revise the existing constitution is that there is a general, I might say almost unanimous, strong and insistent demand for further constitutional advance. And I wish to emphasise the fact that this view that the time is now ripe for further constitutional advance is maintained not only by political parties or leaders, but also by those who have worked or have been working side by side with the Government either as Executive Councillors or Ministers. It is impossible for those who have closely studied the reports of the Local Governments on the working of the reformed constitution for the year 1924. which have been published along with the reports of the Reforms Inquiry Committee. not to come to the conclusion that a large, weighty and responsible opinion as represented by most Ministers and many Indian Members of the Executive Councils strongly favours such further constitutional advance. The position in this matter has been ably expressed by the Honourable the Raja of Pannagal., himself a Minister to the Madras Government and a leader of the non-Brahmin Party, a party the moderation of whose political views is beyond question and which has been most heartily co-operating

[Mr. Phiroze C. Sethna.]

with the Government in working the constitution. He said in his speech at the non-Brahmin Conference held during last Christmas:

"It is perfectly apparent that the most weighty, the most considered and the best informed opinion is in favour of an immediate advance in the political status of the country. Ministers and Indian Members of Councils almost without exception, in various Governments who have had actual experience of carrying on the administration of the country, whose knowledge of departmental difficulties and complications has certainly not been of a comparatively insignificant character, whose keenness for co-operative work with the authorities is incapable of doubt or suspicion, whose enthusiasm for the diarchic system of government when they assumed office is admitted, whose regard for Parliamentary conventions and, in particular for the opinion of the English Parliament is obvious, practically from every Presidency have given their opinion almost unanimously in favour of an immediate extension of the political status of the country."

The same position has been reflected in the resolutions passed by most of the Conferences held during X-mas last. The All-India Muslim League which met at Aligarh has adopted a resolution demanding the appointment of a Royal Commission without any delay, and this resolution was moved by Sir Ali Imam, an ex-Member of the Viceroy's Executive Council. The Liberal Federation has drawn up an outline of the reforms that should be introduced and also urged the appointment of a Royal Commission, and the Federation was presided over by Sir Moropunt Joshi, who has just laid down the reins of office as Home Member of the Central Provinces Government. The non-Brahmins at their conference have demanded the immediate establishment of full provincial responsible government and of a measure of responsibility in the Central Government. The All-India Conference of Indian Christians which met at Calcutta also passed a resolution asking Government to appoint a Royal Commission and demanding immediate provincial autonomy and the introduction of responsibility in the Central Government.

All these facts prove beyond doubt that, however much they may differ on other points, there is general agreement among the various political bodies in India that the investigation of the question of further constitutional reform should be immediately undertaken by a Royal Commission. Now, Sir, I put it to Government. Will they be justified in ignoring all these expressions of opinion? Do they carry no weight with them? What effect will it have upon the Indian mind when it finds that all these expressions of opinion, this general and insistent demand for further constitutional advance, are ignored and flouted as of no account? I have said at the outset that I want to appeal not to sentiment, but to the reason both of the House and of the Government. It may be that the Government think all these expressions of opinion and views to be wrong, that, in their judgment, no immediate revision of the constitution is justified, though it would seem from the reasons hitherto given by them whenever they have opposed the demand for such revision, that their opposition is based not so much on the merits of the question as on the absence of a certain condition which they demand.

But assuming for the sake of argument that in the considered opinion of the Government on the merits of the question the immediate revision of the constitution by a Royal Commission would not be justified we have here two different and conflicting opinions, and I trust the Government give us credit for the honesty of our view, just as they expect that we should give them credit for the honesty of their view. In this conflict of two

honest and sincere views what can be a better agency than a Royal Commission to decide the great issues involved? And then again supposing that the judgment of most Ministers, many members of Executive Councils and of these various public bodies as to the desirability of immediately appointing a Royal Commission to investigate the question of further constitutional advance is swayed more by considerations of sentiment than of pure cold reason, the Honourable House will see that it is too big and gratuitous a supposition to make, is not that in itself a fact of great importance which the Government ought not to ignore? The Indian Government claim to defer to Indian public opinion even when they think that that opinion is not quite correct or sound. This deference to public opinion is in fact claimed to be the basis of the Government and the administration since the inauguration of the reformed constitution. Why should not Government then attach proper weight and importance to this demand for further constitutional reforms, a demand which has behind it the support of moderate, weighty, sober, influential responsible elements in society—and refer the question to an independent tribunal such as a Royal Commission? Whether they consider the demand for an immediate revision of the constitution as based on reason, or on sentiment, pure and simple, or partly on sentiment and partly on reason, in any case it is a demand which Government should not be so callous or indifferent as to pay no heed to whatever. Certainly the demand deserves a much better fate than it has hitherto met with.

But, Sir, the question urged against the immediate appointment of a Royal Commission is, and I am now coming to grips with the main question, that the appeal of Lord Birkenhead for co-operation, for goodwill and friendship has not evoked adequate and sympathetic response from political leaders in this country. I want to examine this point as fully and as frankly as I can. This same objection has been repeated by His Excellency the Viceroy in the speech he made at the opening of the Legislative Assembly on the 20th of last month and ten days ago at the opening of this Council. I welcome that pronouncement and frankly I am not so disappointed with it as some critics evidently are. I wish to speak of it with the greatest respect, particularly as it may be taken as expressing and embodying the latest position of Government on this important question. Now, with great deference to His Excellency, I must say in the first place that the attitude taken up by Government, as expressed in that pronouncement, appears to me to be somewhat vague. It is difficult to understand what exactly is meant and asked for. So far as working the constitution is concerned, the spirit of goodwill, friendship and co-operation shown by all the Legislatures during the first three years is acknowledged by all, even by Government themselves.

During the last two years the same has been manifested by all the Provincial Councils, except those of Bengal and the Central Provinces, and even in these two refractory provinces, the situation has shown a decided improvement. The Bombay Swarajists have now declared themselves emphatically in favour of responsive co-operation. The improvement in the attitude of the Legislative Assembly in the direction of reasonable co-operation has been acknowledged by His Excellency himself. The attitude of the Swarajists too has undergone a change for the better. The leader of the Swarajist Party and one more of its stalwarts are now working in co-operation, the first, Pandit Motilal Nehru, on the Skeen Committee and the other, Mr. V. J. Patel, as the Speaker of the Legislative Assembly.

[Mr. Phiroze C. Sethna.]

Then there is a split in the Swarajist Party and the Swarajists in the Maharashtra in Bihar and in the Central Provinces have now openly abandoned the policy of obstruction. It is true, the Indian National Congress which met at Cawnpore has passed a resolution to which objection might justifiably be taken. Personally, I strongly deprecate that resolution and more particularly that part of it which speaks of civil disobedience. It is neither sound statesmanship nor wise political leadership to indulge in such futile and misleading and mischievous talk about civil disobedience. But in fairness to the Congress it must be pointed out that civil disobedience is held out as a remote mode of direct action to be resorted to when all other methods fail, and that too, as explained by Mahatma Gandhi, as an alternative in utter exclusion of any method of violence.

Such then is the present situation and I do contend that taken as a whole and on a close sympathetic and not hypercritical analysis it meets, essentially and substantially, with the condition put forward by Lord Birkenhead and His Excellency the Viceroy. What more do the Government want? Do they want that the Swaraj Party should dissolve itself and openly declare that they are in the wrong? Are Government going to make the whole country suffer for the sins, if any, of a single political party—a party too, which is now divided against itself and which, in spite of its avowed policy and programme, has shown friendship and goodwill in a fair degree and really practised a considerable and increasing measure of co-operation? Would it be fair to make the whole country suffer in that manner? Is the Swaraj Party everything and other parties nothing? Is not the heart of the nation thoroughly sound? And I am confident the Government of India believe it to be sound.

I am afraid, Sir, the Swaraj Party seems to be on the brain of Government. Let them shake off that obsession which is evidently warping their judgment and drying up the sources of their large-hearted sympathy and let them not allow it to come in the way of India's progress. The Swarajist Party, if I understand it rightly, is nothing but the old Extremist Party. In every country there is and there will be a party of extremists, aye even a party of extremist irreconcilables. Such a party existed before the introduction of the Morley-Minto Reforms, but that did not deter those two eminent statesmen from introducing reforms. It existed all the time of the Montagu-Chelmsford reforms but it did not deflect the late Mr. Montagu and Lord Chelmsford from the path of reform which they had chosen. All these four statesmen had the courage to conciliate and rally all the sober elements in the country, and, so far as I can judge, they have certainly succeeded to a very appreciable extent. All the frowns and threats of Extremism did not make them hesitate in the great task of conciliation and reform, and I for one believe that in the main their policies have been justified.

Sir, I feel not the slightest doubt that if an announcement of the appointment of a Royal Commission is now made, the ground would be cut from under the feet of Extremism at all events to some extent, and the forces of co-operation, of good-will and of friendship will not only be rallied, but they will also be strengthened both in numbers and influence, and above all they will be justified in the eyes of the Indian people. May I in this connection say a few words to my Swarajist friends? I do earnestly appeal to them to reconsider their position in the light of the fresh pronouncement of His Excellency the Viceroy. Let them not treat that

speech light-heartedly as of no account, let them give up any idea, if they have it at all, of throwing out the Budget, let them give every proof of friendship and goodwill and judge of the Budget and of all the measures which Government may submit to their votes on their own merits. In other words, if I may say so, let them once at least stoop to conquer. I have no doubt that this new attitude will be justified but if not they can then go with a clean conscience to the electorates and tell them that they have done their best and that the onus now lies on Government and on Government alone.

A minute ago I said I am confident the Government of India believe that the heart of India is sound. For a reflex of this opinion I will quote from recent utterances in England. Writing in the *Sunday Times* of London of a fortnight back from last Sunday Lord Meston observed:

" Non-co-operation in its virulent form is dead and the European if he behaves reasonably is again welcome. Below the surface, trouble simmers as it has always done, but on the face of the waters there is little trace of the hurricanes which have been raging since 1919."

He concludes by saying that there is nothing in the situation to-day calling us to diverge from the course of political development laid down six years ago. Lord Meston was in India a few weeks ago and what he has written to the *Sunday Times* is the result of what he has seen and learnt for himself, and it cannot be forgotten that but a few years ago he was himself a member of the Government of India and he is bound to be in close touch with the principal officers of the Government of India to-day. The views he has expressed are therefore the views of our Honourable friends sitting on the opposite Benches.

Take again the Prime Minister himself. Speaking at Sunderland on the 26th of last month he observed:

" In India where our trade has not been wholly satisfactory in recent years, we find that the economic position has improved and extremist agitation has subsided. These facts are not wholly unconnected, but I rejoice in them and if the present indications hold good we may anticipate increased trade in that quarter."

Mr. Baldwin does not know India and it is evident that the views he has expressed are those of the Secretary of State and of the Government of India.

The House is familiar with the views of Sir Frederick Whyte which he has expressed more than once so forcibly. He repeated them the other day at an interview he gave to an Australian journal. He said that although he thought that:

" Indians have yet to prove that western institutions are appropriate to the East, he recognises at least that it is necessary to confer on them a great measure of responsibility."

Sir Percival Phillips who was in this city a few weeks ago wrote from here to the *Daily Mail* to say that His Excellency Lord Reading has restored India to quiet and prosperity. He has undoubtedly induced the Indians to cultivate a friendlier spirit. Practical sedition is almost dead. These must be his views after personal observation and also evidently from what he gathered from the Government of India officials themselves.

[Mr. Phiroze C. Sethna.]

Just one more quotation and this time from a well known journalist Mr. J. A. Spender, late Editor of the *Westminster Gazette* from what he said but a week ago to a Calcutta audience of brother journalists:

"If a system was fundamentally vicious no time limit could be placed for making things better. If this Government were to say 'Behave like good boys and you will get something better', the natural result would be to make people do the reverse. As between a public man and the public or a Government and its people, that Government attitude should not be taken up."

May I be allowed to conclude with only one observation? His Excellency the Viceroy has spoken in eloquent and impressive language of winning the heart of England. May I not say that it should equally be the proud and pleasant task of England and of her august representatives here and at Whitehall to win the heart of India? I have suggested to the Swarajist leaders that they should stoop to conquer. May I not in the same way say that England, mighty as she is, should if need be even stoop to win the heart of India? Sir, I feel confident that the appointment of a Royal Commission just at this juncture will go a great way to usher in an era to use His Excellency's noble language "of more sympathetic understanding, more widespread trust and more universal goodwill" and thereby to strengthen the foundations of the British connection in this country.

THE HONOURABLE THE PRESIDENT: It may assist the Council if I indicate briefly the course which, I think, this debate should take. There are three amendments printed on the paper. Of these, two standing in the name of the Honourable Seth Govind Das are placed on the paper as alternatives. I may assure him at once that his first amendment is in order, and we may for the purposes of the debate, therefore, ignore his second amendment. Of the two amendments that remain therefore, namely, that one and the first standing in the name of Mr. Chari, I regard the second amendment, that of the Honourable Seth Govind Das, from the point of view of the original Resolution, as the more drastic. I am therefore proposing to call the Honourable Seth Govind Das at once to move his amendment, and I think that the debate should confine itself to that until it has been disposed of. The two amendments are fundamentally based on the same matter, that is to say, they both make references to two Resolutions passed in another place. One amendment asks for a declaration of an announcement of a decision to take immediate steps to give effect to those Resolutions. The other amendment asks for the appointment of a Royal Commission to formulate a scheme of responsible government to give effect to those Resolutions. I think, therefore, that the Honourable Mr. Chari, if he wishes to move his amendment, should frame it as an amendment to that of the Honourable Seth Govind Das

THE HONOURABLE SETH GOVIND DAS (Central Provinces: General): Sir, I rise to move the amendment which stands in my name. It reads thus:

"This Council recommends to the Governor General in Council to move His Majesty's Government to make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for in the Resolutions passed by the Legislative Assembly on 18th February, 1924 and 8th September, 1925, and to obtain the decision of His Majesty's Government thereon."

I move this amendment, Sir, on behalf of the Swaraj Party. There is a fundamental difference, Sir, between the Resolution moved by my Honourable friend Mr. Sethna and my amendment. My friend Mr. Sethna wants merely a Royal Commission, while we Swarajists, Sir, want a declaration of His Majesty's Government on the point. We Swarajists have no faith in these Royal Commissions, because many such Royal Commissions have come and gone and the net result is nothing more nor less than an addition of a few lakhs of rupees to the poor taxpayer. To me it appears, Sir, that the main item in the national demand is for an announcement followed by a Round Table Conference. Unlike Australia and South Africa, Sir, we are a very old nation, and our history goes back to thousands of years. We have tried almost all the constitutions known to the human race; we have our own traditions, and therefore, Sir, it will be doing a great injustice to us to inflict a constitution alien to our spirit upon us and then to blame us if it fails to work smoothly. Therefore the future constitution of India can only be settled by the true representatives of the three hundred millions of the people of India, and not by a few Britishers or by a few members who are appointed on these Royal Commissions. I am surprised, Sir, to see that the Honourable Mr. Sethna is now moving a Resolution and is not sticking to his old Resolution which he moved in this very House a few months ago. My Honourable friend Mr. Sethna says, Sir, that he has brought forward this Resolution in accordance with the public opinion of the country. May I ask him, Sir, to point out which public body representing the real public opinion of the country has passed a Resolution merely asking for a Royal Commission?

THE HONOURABLE MR. PHIROZE C. SETHNA: All except the Swarajists

THE HONOURABLE SETH GOVIND DAS: No, Sir. I say no public body has asked merely for a Royal Commission. The only public body which represents the real public opinion of the country is the Indian National Congress, and it has endorsed the Resolution which was passed on the 8th September in the Legislative Assembly.

Almost every Indian who has studied the question has said that the present constitution of India is defective and that it should be re-examined. As my Honourable friend Mr. Sethna has just pointed out, the very first year of the introduction of the reforms, I mean in 1921, a Resolution was passed by the Indian Legislative Assembly asking for a revision of the constitution, and although that Resolution was accepted by the Indian Government, it was turned down by Lord Peel. In 1924 again, Sir, a Resolution demanding a Round Table Conference was passed by the Legislative Assembly, and what was the Government's reply to that demand? His Majesty's Government in England only sanctioned a Reforms Inquiry Committee with a very restricted scope, and therefore all the Swarajist Members, including Pandit Motilal Nehru, had to declare that that Committee could not solve the problem of India.

Then, Sir, my Honourable friend Mr. Sethna said that we Swarajists are co-operating now and that we have changed our policy.

Well, Sir, the Swarajists know better what they have done. I say that the Swarajists are not co-operating. Their view is that there is nothing to co-operate with. What the Government want is merely co-operation on one side. Is such co-operation ever possible? If they want real

[Seth Govind Das.]

co-operation they should also extend their hand, and when the hands are extended from both sides, then only can there be co-operation. The same thing was repeatedly said by our late leader Deshabhandu Chitta Ranjan Das and the same thing has been declared many times by our present leader Pandit Motilal Nehru. May I ask, Sir, why there has been non-co-operation? His Majesty's Government know the reply to this, and it is this, that we have no trust in the British policy. If we take a glance at recent history, do we find a complete and wholesale co-operation offered by any nation to their alien rulers? Did the Boers, Egyptians and the Irish ever co-operate with the British Government before getting full responsible government? The answer is that not only did they not co-operate but they offered resistance and uncompromising resistance. Do the Government of India or His Majesty's Government want the same kind of co-operation from us? Human nature is much the same whether it is in Europe, Africa or India.

The Honourable Mr. Sethna has dealt at length with the failure of the present constitution and I need not say much on the point. That is the reason why we Swarajists have no faith in tinkering with the constitution, a bit here and a bit there. That is why, Sir, when in September last Government moved a Resolution asking for the acceptance of the reactionary Reforms Inquiry Majority Report, the Swarajists brought forward a Resolution in the House which was passed by an overwhelming majority, demanding a declaration of the policy of His Majesty's Government. As has been said by the Honourable Mr. Sethna, that Resolution was endorsed by all the public bodies of the country, by the Cawnpore session of the Indian National Congress, by the Liberal Federation at Calcutta, and by many other public bodies. Neither the Hindus nor the Muhammadans nor any other community in the country is against this national demand. Even the Anglo-Indians, if Colonel Gidney is to be taken as their spokesman, are not satisfied with the present state of things. It is true that there are some communal organisations here and there wanting some special concessions for their community, but it does not mean that they are opposed to the national demand. Rightly or wrongly, there is an impression, Sir, that the landed aristocracy of the country is against the national demand. Let me hasten to correct this impression. We landholders are not opposed to responsible government. We are as keen on having full responsible government as any other community in India. In the lower House, when this Resolution was brought by the Honourable Pandit Motilal Nehru, I supported it on behalf of the landholders whom I had the honour to represent in that House, and my recent election to this august House from the general constituency of the Central Provinces is proof positive that my constituency was not opposed to these views, because most of my present electors also belong to the same class.

The amendment which I am moving to-day is only a request that the Resolutions which were passed by the Legislative Assembly on the 18th February, 1924, and the 8th September, 1925, should be given effect to by the Government. I think, Sir, it is a mere mockery if the Government do not want to give effect to the Resolutions passed by such an overwhelming majority in the popular House. If such a united and popular demand is

treated in this way, may I be permitted to say, Sir, that the representatives of the people will again have to adopt the policy of civil disobedience. I am not making any threat, Sir. I am only putting forward before this House the true sentiments of the people in very very plain words. The last session of the Congress at Cawnpore rightly voiced the opinion of the country when it declared that the time has come for the parting of the ways and now it is for England to choose whether she wants a peaceful and contented India or an India seething with disloyalty and disaffection and opposed to the British connection. In the history of nations, Sir, as in the history of individuals, a time for stock-taking comes, when decisive steps have to be taken, and never before in the history of the British nation, since 1774, has such a time come. The whole world is watching how England solves the problem of India. It will not be possible for England to say that this is only a domestic affair between England and India, because, one-fifth of the population of the world is concerned here and the future peace and prosperity of the world depends on the solution of the Indian question. It was the moral sense of America which brought the Irish people their Free State constitution and perhaps brought freedom to Egypt too, and it will be the same moral sense which will decide the connection between India and England. Will His Majesty's Government have courage and foresight to declare their policy before it is too late? Let us wait and see. With these words, Sir, I move my amendment and I have full hope that the Honourable Mr. Sethna will accept my amendment because it is substantially the same as the amendment which he moved in this very House in September last.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, I formally move an amendment to the amendment proposed by the Honourable Seth Govind Das. My amendment, as an amendment to the proposition just moved by the Honourable Seth Govind Das, will be as follows:

"That for the words 'to make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for' the following words be substituted, namely: 'to appoint forthwith a Royal Commission or other suitable agency to formulate a scheme for the establishment of responsible government in India in accordance with the recommendations contained'."

The second portion of my amendment is that the words "and to obtain the decision of His Majesty's Government thereon" be omitted. Before I formally place this proposition before this House and before I deal fully with this amendment, I should like to make a few observations as regards the position which I wish to lay before the Council for acceptance. Sir, I am a student of constitutional history, and as a student of constitutional history I tried to understand the origin and growth of all constitutions. I have found that in the constitutional history of Great Britain and her Colonies and of all countries which have full responsible government, at one stage or another a condition of things takes place which we find here in India to-day. In matters of detail it may be somewhat different, there are different aspects of it; but all the same we have all the difficulties which are pointed out to us when we ask for a substantial form of responsible government. I find that in all countries parliamentary institutions preceded the unification of the nation. That was the case in England. That was the case in several Continental countries. The fitness for responsibility, the full attainment of nationality and all those things do not precede parliamentary institutions, institutions in the real parliamentary

[Mr. P. C. Desika Chari.]

sense with an Executive fully responsible to the Legislature. We always find that there were elements in those countries which would be very good arguments for not introducing this element of responsibility in the government of those countries. I wish to preface my remarks in this way because, as my friend the Honourable Mr. Sethna pointed out, it is not a matter which has to be decided purely on sentiment. It is more a question of reason; and I beg to add that sentiment also has to be taken into account. I have closely watched the attitude of British statesmen from the very beginning ever since the days of Lord Macaulay who advocated the introduction of a western system of education in India. Those statesmen, I take it, were fully aware of the consequences of the steps which they boldly advocated. They knew that the introduction of a western system of education would lead sooner or later to a demand for responsible institutions. But they were far-seeing statesmen and they never doubted that they should in time have to consider the desirability of introducing the element of responsibility in the Government of India. They knew the demand would come sooner or later and they were watching for the opportunity when that demand should come, and they took it for granted that when that demand was made it would be an indication that the people were prepared to undertake the responsibility of representative government. They never thought it must be subjected to a series of tests or that it must be subjected to the tests on the lines of the question which is being put to us now—"Show us that you understand representative institutions! Show us that you understand responsibility! Show us that you can discharge fully and effectively the duties of administrators if this principle of government is introduced in this country!" They never thought these questions ought to be put. But, unfortunately, we are not living in the days of those great statesmen, those far-seeing statesmen, who only thought there ought to be a demand for it to be fully conceded, who thought the demand as and when made ought to be met straightaway without delay or excuse by the grant of responsible government. Now as things went on I find in the history of the Indian constitution that successive British statesmen wavered. There was a tendency to go backwards and forwards; there was a vacillating tendency. No doubt as a result of this we have had several Royal pledges, in 1857, 1887, 1898, 1906, and lastly we have had the pronouncement of 1917. All these things show that latter-day statesmen never wanted to place the constitution of India on the same footing as the earlier British statesmen who were more far-seeing in their outlook. We know how these pledges have been kept. We know the effect of those pledges. All the same they are there as distinctive landmarks, I take it. In 1861 the principle of associating the people of India in the government of India was recognised and in the Act of 1892 the principle of allowing the people of India to choose their own representatives was acknowledged. These are two important landmarks. Instead of conceding it the moment there was a demand for representative institutions they went on giving little by little. I only refer to these things for the purpose of showing that it is too late in the day to meet our demand in the fashion in which it is met to-day. We are told "Show us that representative institutions are quite suitable to you; show us by the working of the Act and by actual administrative ability that you are fit to undertake responsibility." That brings me to the present Government of India Act. What have we got in it? There is the Preamble which has been a battle ground ever since the Act was enacted. It is not necessary for me to go into the merits or demerits of the question

from the point of view of the purely constitutional lawyer. It will serve no purpose because the Preamble is there and we have to face it. It may be in conflict with the general principles and general rights of Indians as a nation, but it serves no useful purpose to question the Preamble. Let us face the facts; let us face the reality. The Act according to all accounts is unsuitable in various respects. We shall see what the Act is. It merely gives representation, a larger measure of formal representation, partial responsibility and a wide scope for criticism. From the working of such an Act no conclusion can be drawn. If a proper share of responsibility had been given to the representatives—I mean if people had been given an opportunity to work the reforms in a practical manner—it would be different. My Honourable friend Mr. Sethna said we must have training in responsibility before we can ask for responsible government. There I join issue with my Honourable friend. I say no person can feel the sense and weight of responsibility unless and until he is shouldered with responsibility. Before responsible government is given in the proper way how can you test whether a person is fit to shoulder responsibility, whether he is in a position to discharge that responsibility? We have a half-hearted attempt to deal out some kind of responsibility in the Provinces, and we know that in all these measures the representatives of the people were considerably handicapped and could not show fully what they were capable of understanding and feeling a sense of responsibility. The Act gave plenty of scope for criticism, and the representatives of the people having been brought together they had to do something. They found they had not very much to do in shouldering responsibility, and they did exactly what any opposition in a Government conducted on party lines would have done. From the speeches that are made in the Assembly and in the Councils we do not find much of a difference—though there may be some difference in details —between methods here and the methods adopted in Parliaments of countries having fully responsible government. When there is wide scope for criticism, when people are not allowed to feel their responsibility and where they have not to shoulder any responsibility, it is but natural that they should make the fullest use of the scope for criticism that is given to them without any real share in the working of the constitution.

Then there is a further test of responsibility which was a part of the scheme of the Government of India Act, and that is dyarchy. Dyarchy, I take it, is an artificial and ingenious device to test our capacity as to how we are able to feel the sense of responsibility under the most trying conditions. The test was one which it was almost impossible for any person to pass successfully. But I take pride in the fact that our people, even under the most trying conditions which dyarchy brought in, were able to show that they are capable of realising fully the responsibility of conducting constitutional government with responsibility attached to it. I take pride in the fact that the province of my birth, Madras, and the province of my adoption, Burma, have not only passed these tests in dyarchy but have done so with credit and distinction. I would also say that the remaining provinces of India have also succeeded in this test of dyarchy in a greater or less degree. You may say: "There is Bengal; there is the Central Provinces." Yes; there are those provinces; and the view I take of the working of the constitution in those provinces is this: that they have understood dyarchy and they have understood the elements of responsibility involved in carrying out dyarchy and they have further had the courage to show in the practical working of it, the unworkability of dyarchy in responsible institutions. That is what has happened. From the elements of responsibility that have

[Mr. P. C. Desika Chari.]

been introduced, under the present Government of India Act, judged from the working of that Act during all these years, I can say with confidence and without fear of contradiction, that the people have shown that they are capable of realising their responsibility and it is not necessary to go further to test the capacity of Indians for realising responsibility because, as I have already stated, responsibility can only be tested if people are shouldered with it to see if they are in a position to feel the weight of their responsibility of carrying on the administration . . . . . .

THE HONOURABLE THE PRESIDENT: The Honourable Member has exceeded his time limit. I must ask him to bring his remarks to a close.

THE HONOURABLE MR. P. C DESIKA CHARI: I shall, Sir. As regards my amendment I need not deal at very great length with it. The amendment merely comes to this, that for the Royal Commission I want to say Royal Commission or other suitable agency. Personally, I am not opposed to a Royal Commission being appointed; but in order to make it wider and to make it possible for the Resolution to be acceptable to a larger number of people I have proposed this. There is no harm in this. So long as an agency is appointed which would consider the various aspects put forward by the respective leaders of political thought, it does not matter whether it is a Royal Commission or any other agency, so long as it is a suitable agency, which would be appointed by Parliament or by His Majesty's Government, to find out actually the views of the respective parties. So long as there is a chance of the case of all parties being heard fully before that agency there can be no objection to the form of agency. I believe there is no objection to make the Resolution as wide as possible. As regards the other amendment, I have brought in the Resolutions of the Assembly for this purpose . . . . .

THE HONOURABLE THE PRESIDENT: I am afraid I cannot allow the Honourable Member to start now on the Resolutions of the Legislative Assembly. He has exceeded his time in discussing matters which are not directly connected with his amendment, and I am afraid I cannot allow him to go back to his amendment now.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): I wish to intervene in this debate at this early stage in order to state what the attitude of the Swaraj Party is towards this Resolution I know that I cannot contribute anything to the discussion on the merits of the Resolution for the arguments have been repeated . . . .

THE HONOURABLE SIR ALEXANDER MUDDIMAN: I wish the Honourable Member would raise his voice. I cannot hear one word of what he is saying.

THE HONOURABLE MR. V. RAMADAS PANTULU: I desire to intervene in this debate at this early stage in order merely to state what the attitude of the Swaraj Party is towards the Resolution, for I know that I cannot contribute much to the merits of the discussion for the arguments have been repeated perhaps for the hundredth time for and against it. The Swaraj Party is accused of inconsistency and impracticability in its attitude towards constitutional reform. I repudiate these charges most emphatically. Ever since the reforms were adumbrated in 1919, genuine public opinion in this country and the Indian National Congress have condemned them unequivocally as being unsatisfactory, inadequate and disappointing; in fact, they were considered to be so illusory as to induce the Congressmen not to seek election to any of the reformed Councils during their first term. But our abstaining from entering the Councils was taken advantage of in order to show that the constitutional machinery was running very smoothly and that there was a good case made out for prolonging if not perpetuating that system. The Swarajists therefore made up their minds to enter the Councils in order to show up this pretension and to demonstrate the utterly unworkable and sham character of the reforms. We firmly believe that the so-called partial responsibility in the provinces with an irresponsible executive is an utterly unworkable scheme. The responsibility of the Government of India to the British Parliament and to the Secretary of State and their irresponsibility to the people of this country and to the Central Legislature nullified the effects of any reform scheme however well it might be conceived. So, our representatives as soon as they entered the reformed Councils in 1924 took the very earliest opportunity afforded to them to state their case and formulate their demand. That demand was acceded to by the Assembly and I have no hesitation in calling that the demand of the country. I do so with greater confidence to-day for the Indian National Congress, which represents the best political opinion in this country and which is the most representative political body, has endorsed that demand in a Resolution which was carried unanimously at the recent session of the Cawnpore Congress. That resolution is as follows:

"This Congress adopts on behalf of the country the terms of the settlement offered to the Government by the Independent and Swaraj Parties of the Assembly by the Resolution passed on the 18th February 1924."

Our demand of the 18th February 1924 led to a secret departmental inquiry which was followed up by an open inquiry by the Muddiman Committee, and when the Government tabled a Resolution to give effect to the recommendations of the majority of that Committee, we brought forward an amendment to reiterate our demand. That amendment was, no doubt, moved by Pandit Motilal Nehru as he was the leader of the largest non-official party in the Assembly, but it was supported by all sections of non-officials in that House and it was carried by a large majority. It subsequently appeared, from comments in the Press, that outside the Assembly also every section of politicians welcomed it as being a legitimate, reasonable and proper demand. In this House my Honourable friend Mr. Sethna and myself moved a similar amendment, though naturally it shared a different fate, in September 1925. I regret that my Honourable friend, Mr. Sethna, has to-day contented himself with merely asking for a Royal Commission. But, however, so far as we Swarajists are concerned, nothing has happened in the interval to make us change our attitude. It is said in some quarters that the demand of September 1925 was purposely pitched

[Mr. V. Ramadas Pantulu.]

in a lower key as the earlier one was found to be impracticable and that the time has now come to realise that the second demand was equally impracticable and therefore it ought to be lowered when a third demand is made. I must submit that this is an entire misreading of both the demands. I shall only state in a word what the effect of those demands is. It is true that we stated that our goal was full responsible government. Even the Government of India Act says so. I do not think that there is any need to quarrel over that. After stating that, we said that we are willing that our national claims may be examined by a suitable agency in which the varied interests which are involved in the momentous question of self-government are properly represented. We did not ask for Swaraj being tied up in a bag and handed over to us, as was very aptly pointed out by Pandit Motilal Nehru in the Assembly. We never burked an investigation; we never burked an inquiry. The only thing that we wanted was that the agency should be a suitable one and that certain preliminaries should be conceded. That was the attitude we took up. Then in the second demand we reiterated our first one in express terms, and stated that there ought to be some minimum agreement before we could negotiate for the settlement of a suitable scheme by mutual understanding. The main point in the second demand is this. We say that unless the revenues of India are vested in the Government of India and administered by a responsible Central Legislature, there cannot be any responsibility in the administration, and that no other change except this will meet the requirements of the situation. We maintain that, unless a declaration is made in Parliament, by His Majesty's Government of its intention to embody in the constitution of India this fundamental change, it would not be much use to negotiate with the Government for an honourable settlement. That is the attitude we took. After the necessary declaration was made, all that we said was we were willing that other questions might be investigated by any suitable agency. May I ask what there is which is impracticable or impossible in either of these demands? So our position remains to-day precisely the same as it was in 1924 and 1925. The very fact that my Honourable friend Mr. Sethna moved the very same amendment as the Honourable Seth Govind Das moved to-day shows that Mr. Sethna did not then consider that amendment as ruling out a Royal Commission from our contemplation. There is no charm in a Royal Commission. Any agency will be equally good provided certain pre-requisite conditions are satisfied. If we are satisfied that there is a genuine change of heart on the part of Government, and if there is any indication that we are likely to get what we are aiming at by a Royal Commission, we Swarajists have certainly no objection to it. I do not understand my Honourable friend Seth Govind Das to say that he does not want a Royal Commission. He said he had no faith in a Royal Commission. As a matter of fact, we have no faith in many of these things. But if there is going to be any indication of a change of heart on the part of Government, if a Royal Commission is going to give us the kind of thing we want, or if we know that the terms of reference or the personnel and other things are so satisfactory as to inspire confidence in our minds, we should be certainly willing to co-operate with this agency. That is the attitude that we take; but I may at once state that any Resolution for the appointment of a Royal Commission without any definition of its scope or without any indication

of the basis on which it is to formulate its proposals for further constitutional advance will not be acceptable. At the same time we reserve to ourselves the right to reconsider our position, and to decide whether to co-operate or not to co-operate with any agency when it comes into existence. That is our attitude, Sir, towards this proposal for a Royal Commission.

Now, Sir, I have very briefly to answer two objections which are brought against the Swarajists. They are both based upon two different portions of the Preamble to the Government of India Act. The first objection is based upon the portion of the Preamble which says: "that the advance is to be by successive stages of which the Parliament will be the sole judge ", and we are told that it would be impossible for us to ask for any other agency or for any other mode of settlement except with the intervention of the Parliament. Our short and brief answer to this is, we consider that the Preamble is absolutely wrong. It is an insult to our national self-respect. According to us, the only test of fitness for self-government is national self-consciousness and self-determination. The Government of India Act is one of the many pieces of legislation passed by the British Parliament, and I do not believe that any special sanctity attaches to it any more than to any other Act. Our claim is that the Preamble along with the Act ought to be repealed. Therefore, it is no use to confront us with a recital in a document to which we take very serious exception.

Then the second objection is based upon that portion of the Preamble which says: " Whereas the action of Parliament must be guided by the co-operation received from those on whom new opportunities of service will be conferred ". With regard to this demand for co-operation, I will make two respectful submissions. If the co-operation that is demanded of us consists of asking us to work the unworkable provisions of the Government of India Act, I am afraid the Government are asking for the moon. We are fortified in our view that many of the provisions of the Act are unworkable by the mass of the voluminous evidence which was recorded by the Muddiman Committee. Ministers who had faith in the reforms and who went into the Councils with the determination to work them to the best of their ability have declared that the Act was unworkable. And after their evidence and after the general consensus of opinion in the country on the part of various political bodies, it is useless now to tell us that it is still workable and that we should work it. We have made our position clear time and again and it is no use asking us to work Dyarchy. But if the co-operation that you want us to extend consists in a change of heart and the attitude of the Swarajists towards Government and their willingness to participate in the beneficent activities of Government, I claim that we have given ample evidence of our co-operation in the past, and I assure you, Sir, that in the future we are willing to pursue such a policy. Deshabandhu C. R. Das in his Faridpur speech has extended the hand of honourable co-operation and fellowship if the Government desire to grasp it. Our leader Pandit Motilal Nehru every day also extends the hand of fellowship and co-operation to the Government from his place in the Assembly, but I find that it is not grasped. That is the difficulty. And more than all this, more than Pandit Motilal Nehru and Deshabandhu Das, the Indian National Congress has declared in unequivocal terms that if there is a right gesture from the Government, if there is a genuine change of heart on the part of Government, the people can co-operate with the Government.

[Mr. V. Ramadas Pantulu.]

Then my Honourable friend Mr. Sethna referred to the Resolution which spoke of Civil disobedience. But I will refer to another portion which runs thus:

> " The Congress is also of opinion that the guiding principle in carrying on political work shall be self-reliance in all activities which make for the healthy growth of the nation and resistance to every activity governmental or other which would impede the nation's progress towards Swaraj."

Now, I ask, is that not honourable co-operation? If that is not, what else can be? An absolute surrender to the Government's demand to co-operate with them without their co-operating with us is certainly not honourable co-operation. As for Civil disobedience, I will say only one word. As an ultimate resort, it is true that the Congress pronounced that that was the only legitimate weapon, that was under the inspiration of the great man Mahatma Gandhi who ruled out all violence. He said that for a subject people, if it is oppressed and if the foreign bureaucracy impedes progress, the ultimate weapon was civil disobedience. The Congress accepted it. We are accused of want of constructive talent. May I ask my Honourable friend Sir Alexander Muddiman to place himself in our position and to suggest, if he were a Congressman, what weapon he would place in our hands. Let him take up constructive statesmanship in his hands. Let him for a minute suppose that he is guiding the deliberations of the Indian National Congress. What advice will he give to a disarmed nation in order to win liberty, if not civil disobedience? If he can suggest an alternative, and if the Honourable Mr. Sethna can suggest his alternative, we will certainly take them. But we want some alternative, because a nation struggling for liberty ought to have some weapon for attaining that liberty. They ought to be really glad that resort to violent methods which is tried in the West is tabooed by the wisdom of those who are at the helm of affairs in the Indian National Congress. Therefore, Sir, the two objections that are raised against a further constitutional advance on the lines of the demand of the Swarajists, namely, that the responsibility rests with the Parliament and that co-operation has not been forthcoming are not real. I would characterise them as mere inventions to obstruct our progress. That is the attitude that is taken by Government. I once more beg to reiterate our attitude towards this question. We have not ruled out any agency by which further investigation can be made towards constitutional advance. All that we want is a genuine indication of a change of heart on the part of the Government and some guarantee that progress on the lines on which we wish to achieve it is forthcoming. If it is forthcoming, there is no particular objection to a Royal Commission, nor is there any particular charm in it. We Swarajists are not prepared to accept any agency unconditionally without its scope being defined or without some indication of our demand being complied with. With these words, Sir, I heartily support the amendment moved by the Honourable Seth Govind Das. At the same time, I assure my Honourable friend Mr. Sethna that we do not take an attitude hostile towards his Resolution, although we cannot approve of it in its present form.

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member): Sir, I take it that it is your desire that the debate should now proceed merely on the amendment and the amendment to the amendment. I shall

therefore confine myself strictly to the amendments and to the speeches which have been made on them.

" Two Voices are there;
One is of the sea,
One of the mountains;
Each a mighty Voice."

Had I been told that the voice which spoke for the Swarajist Party from behind me belonged to the same party as that of the gentleman in front of me to whose speech I have just listened, I confess I should not have been able to believe it. They seemed to me as different in terms as they are different in argument. My Honourable friend Seth Govind Das's amendment runs as follows: He desires that we should recommend to His Majesty's Government to make a declaration in Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for in the Resolutions moved in the Legislative Assembly on the various dates he specifies. What were those Resolutions? They were, with a few minor reservations, for complete responsible self-government. We were invited to go home and say, " You should now scrap the Government of India Act, scrap the Preamble which they dislike, scrap any trials that have been made, and with a stroke of the pen grant responsible self-government, or rather say that you will do it." Now, two gentlemen have spoken on that amendment and they have used very different arguments in support of it. I will turn first of all to the Mover of the amendment. He told me that he spoke for the Swaraj Party. The Swaraj Party seems to have two voices in this House . . . .

THE HONOURABLE MR. RAMADAS PANTULU: No, Sir.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: Two very different voices. Who is speaking for the Swaraj Party? Who is the representative in this Chamber of that Party which looms so largely in another place? Is it the Honourable Seth Govind Das who has moved the amendment or my Honourable friend who had an amendment on the paper which he did not move? That, Sir, is a matter for consideration, and I await an answer. What did the Mover of the amendment say? He said he had no faith in a Royal Commission. He was not for a Royal Commission. He distrusts them. That was not the language used by my Honourable friend opposite. He said nothing of the kind. He seemed to me to approach the question from a different attitude. The Resolution does not ask for any preliminary inquiry or for any preliminary steps. We are to take this action without any preliminary steps at all, and yet, in his argument, what did my Honourable friend say? He said, " You must have a Round Table Conference attended by representatives of the 320 millions." Is there anything in his Resolution about 320 millions or a Round Table Conference? He told us that he does not have faith in Parliament. He does not want to go to Parliament. He would regard anything that came from that source as suspicious. That is not again the language used just now. Before Government can deal with arguments of this kind, said to be addressed in the name of the same Party, it will be necessary for that Party to get rather closer under its own umbrella than it seems to be at present. Sir, we saw a remarkable instance, which is very much what is going on here, in another place on the Resolution in September. There we saw a Resolution dubious in its terms, possibly intentionally dubious in its terms, intended to bring under agreement or supposed agreement very dissimilar

[Sir Alexander Muddiman.]

opinions. What happened when the discussion took place? Nothing was clearer than that speakers were putting forward views which were almost fundamentally different. Although they gave their adherence to the Resolutions which, if very carefully looked into and very carefully interpreted, might possibly bring those views together, yet the arguments used and the considerations put forward were entirely different. That is what is happening to-day. This amendment is moved by a Member said to be a Member of the same Party and is supported by a Member said to be of the same Party for entirely different reasons and in an entirely different way. My friend opposite says that he is a reasonable man. He is willing, given certain conditions by means of the holding out of the hand of friendship, to accept without quarrel gifts from Parliament. Indeed, if I may say so, that is the only way he can attain any of his desires. He sits here, as I sit here, entirely owing to the decree of the English Parliament and the sooner that is grasped, the better it will be for all of us. We have heard a good deal of the fact that no threat is used, but what did my Honourable friend behind me say? He said, " We are not co-operating. We do not desire to co-operate." My friend in front of me said, " We are co-operating. We desire to co-operate. We wish to co-operate." Sir, those are words I heard very willingly, and I congratulate my Honourable friend on the straightforward view that he has taken, but they are discrepant to the words I heard from behind me. The Honourable Seth Govind Das observed that he had no trust in the British policy. I took his words down. He has no trust in the British policy. I did not hear my Honourable friend opposite say that he had trust in the British policy. I will just remark that he did not say that he had distrust in the British policy. Then I was told that of course the final right of every country, of every people, if it does not get what it wants is civil disobedience. On the one hand, it was used in the form of a threat; on the other, as the last resort of a desperate people. There is a wide distinction undoubtedly between those two propositions; but let me tell both my Honourable friends that civil disobedience will not remain civil disobedience, it will become very uncivil disobedience in a very short time. It has become so in the past, it will become so in the future, and those who use words of that kind will do well to weigh the consequences of their words.

Sir, this particular amendment I am bound to oppose on behalf of Government. It was opposed on a previous occasion in this House. It was opposed in another place. This House rejected it. I trust this House with its usual consideration, with its usual weight of judgment, with its usual foresight, will again reject it. On this amendment I am in a position to give the considered opinion of the Government of India. It was brought forward in September. We considered it then and we put forward the provisional opinion of the Government of India then. We have considered it since then and after the debates in both Chambers and I have authority to say that the Government of India are unable to make any such recommendation to His Majesty's Government in the terms of the amendment. And, Sir, what is the difference between the amendment and the amendment to the amendment? Nothing, a difference of terms, very small indeed. The Royal Commission my Honourable friend behind me, Mr. Chari, wants is to be a Royal Commission not to examine, not to consider the steps to be taken; it is not a Commission such as is contemplated by section 84A of the Government of India Act; it is not to inquire and report as to what extent it is desirable to extend, modify or

restrict the degree of responsible government; it is a Commission which has a mandate, which is sent out with a mandate and it is merely to formulate the machinery by which that mandate is to be given effect to. Indeed there is no difference in effect between the two—the amendment and the amendment to the amendment; and on those grounds I must oppose both the amendment and the amendment to the amendment.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-official): Sir, while listening to the debate on this motion, the old story came to my mind about the three tailors living at one time in England in Toole Street who said "We are the people inhabiting the British Isles and it is our desire to do so and so." Now those three tailors were no more the whole of England than the Swarajists are the whole of India. It is absolutely wonderful that my Honourable friend should render an explanation in the way he did and say: "We Swarajists want so and so". I may tell my Honourable friend that we are not all Swarajists here and we do not mind what the Swarajists think, at any rate the present day Swarajists who like the three tailors of Toole Street put themselves forward as representing the whole of India. At all events, that has nothing to do with it and I wish to support the proposition put forward by the Honourable Mr. Sethna about the Royal Commission . . . .

THE HONOURABLE THE PRESIDENT: If the Honourable Member wishes to speak specially on Seth Govind Das's amendment I will allow him to proceed, but I think he should reserve his remarks on Mr. Sethna's Resolution until we have got the amendment out of the way.

THE HONOURABLE MR. G. S. KHAPARDE: I wish to speak on the main proposition. I am not to speak on the main proposition?

THE HONOURABLE THE PRESIDENT: Not at the moment.

THE HONOURABLE MR. G. S. KHAPARDE: Well, I oppose the amendment.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras Non-Muhammadan): Sir, in supporting the amendment of my friend, the Honourable Seth Govind Das, I beg to draw the attention of the Council to the two Resolutions passed by the Legislative Assembly, one on the 18th February 1924, and the other on the 8th September, 1925, putting forth our demands with regard to the grant of a further instalment of reforms to India. I would like to know what the Government have done to give effect to these Resolutions. These Resolutions constitute the united demand of all parties and shades of political opinion represented in the Assembly. Is that not the demand of the entire Indian nation? What have the Government done in the matter? The only thing we have heard from Lord Birkenhead downwards is, "We want co-operation. We want co-operation".

His Excellency the Viceroy told us the other day not only that by "the evidence of a spirit of a more friendly co-operation and goodwill, an earlier appointment of the statutory commission might be secured," but also that the appointment of a Statutory Commission was " the aspiration of all in India whose avowed desire is to attain political progress by constitutional means." Sir, I do not desire to refute this statement here to-day at any length. But if by this he meant that the Swarajists' avowed desire is to attain political progress by unconstitutional means, it is wholly incorrect so far as their existing programme is concerned. If in spite of them any

[Dr. U. Rama Rao.]

parties in any part of the country are hereafter driven at any time to unconstitutional means of attaining political progress, the responsibility will be wholly that of the Government. When the Swarajists deliberately suspended their full non-co-operation programme and came into the Legislatures, the head of their Party, my revered leader Pandit Motilal Nehru, made an offer of friendly co-operation and goodwill in the Assembly which to this day remains unaccepted and unappreciated. This was two years ago and his words may be quoted again with advantage. He then said:

"Sir, we have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here. If you agree to have it, we are your men; if you do not, we shall, like men, stand upon our rights and continue to be non-co-operators."

This offer was followed, so ar as we in the Indian Legislature are concerned, by action which in every way has kept that offer open to this day and evinced marks of a desire to co-operate with the Government whenever necessary in the interests of the country from time to time. Well, never mind about us. What about the demand made by politicians of other Schools who had co-operated and who had worked the reforms faithfully and sincerely from the very commencement, for instance, the Justice Party in Madras? Was not their cry for a further instalment of reforms also a cry in the wilderness? What consideration have the Government shown to the Justice Party who have been extolled by the Government as having worked the reforms very successfully in the Madras Presidency? The fact of the matter is that the bureaucracy are unwilling to part with their power which they had so long enjoyed and there is absolutely no question of our co-operation or non-co-operation coming in the way nor our capacity to work the reforms. In spite of the many proofs of the co-operation we had so far shown His Excellency the Viceroy would want "a more ready and complete response". By "complete response", does His Excellency mean an abject surrender and offer to do whatever may be demanded of us in the name of the Government? Sir, is that the pre-requisite condition of political progress? If that is so, even in this rarified atmosphere of the Council of State I venture to say, Sir, no self-respecting Indian worth his salt would accept that position. We, Swarajists here, therefore, still await the final reply to that offer that has remained open for these two years; and on the response to that offer will depend the further course of action which we Swarajists, as representing the constituencies, will decide to take.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, I intend to speak on the amendment moved by my Honourable friend, Mr. Chari, and I should like to know if I am in order in speaking on that amendment.

THE HONOURABLE THE PRESIDENT: The Honourable Member can proceed.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I am thankful to you, Sir, for having permitted me to take part in the discussion of so important an issue which is now engaging the attention of the House. Sir, in spite of the hair-splitting that has just been indulged in, in spite of the vast gulf of difference that seems to have been discovered by the Honourable Member who spoke on the Government side between the main Resolution moved by my Honourable friend, Mr. Sethna, and the amendment moved by my Honourable friend, Mr. Chari, I see, Sir, that in

effect they are both one and the same. Sir, this amendment which the Honourable Mr. Chari proposes does not seek to rule out a Royal Commission. It differs only, in this respect, that it tries to bring prominently to the notice of the Commission which would be set up to make this investigation, one aspect to which they would have to direct their attention, namely, to make every honest and possible effort to see that the foundation is laid for the speedy realisation of responsible government. For after all, that amendment proposes that a scheme should be framed for the establishment of responsible government in India in accordance with the recommendations contained in the Resolutions of the Legislative Assembly of the 18th February, 1924, and the 8th September, 1925, respectively. Now, Sir, any committee, any body of reasonable people who will be asked to frame a scheme for this particular purpose, would not at once jump to the decision that the government that is given to the country here should be all at once a responsible government. Before doing this I believe, Sir, it stands to reason that this Royal Commission or Round Table Conference or any other suitable agency that may be appointed will certainly go into the question as to whether there are circumstances here which necessitate the framing of the scheme and also whether the scheme that is proposed would be suitable to the conditions which now obtain here. Therefore, Sir, even though to the Resolution moved by the Honourable Mr. Sethna two amendments have been moved, and though I am not in agreement with the amendment moved by my Honourable friend, Seth Govind Das, since it seems to exclude the appointment of a Royal Commission, I for one would welcome any agency that may be appointed to go into this question which calls for an immediate solution. Now, as I said, two amendments have been moved to the Resolution of the Honourable Mr. Sethna. To me it seems quite clear that in all the three different suggestions that have been placed before this House, there is one common feature; there seems to be one idea which permeates them all, which pervades them all through. That idea is this. that there is a demand made by all shades of political opinion in this House and outside for a substantial and real advance—a demand for an advance which is not to be circumscribed within the four corners of the Government of India Act, 1919, but an advance which would place the Indian constitution on a broader and more liberal and more popular basis. Now, Sir, when we see this demand made, the question that naturally arises for consideration is whether we have reached a stage which calls for a step forward. To make out an answer to this question in the affirmative, I do not think any great effort is needed or any very clever arguments advanced at this stage; since this question has been before this and the other Chamber on more occasions than one. All that I say is this: that the present state of things, the stern facts, the grim reality of which you cannot ignore, the glaring defects which have been disclosed at every inch that you proceeded to work the dyarchic system—all these point to one and the only natural and inevitable conclusion—that the whole system of administration calls for a complete overhauling, for a change affecting root and branch. Now, Sir, as we have seen, dyarchy has been tried here too long. Even those that had faith in it and made every possible effort to work the system successfully, have ultimately lost their faith and have at last acknowledged it to be thoroughly unsuitable to the conditions of this country and entirely unworkable. Even in Madras Sir, the province I come from, where dyarchy is supposed to have worked best, the little measure of success that was achieved was achieved by ignoring dyarchy and, in the

[Saiyed Mohamed Padshah.]

words of Lord Birkenhead, by making very considerable inroads on the dyarchic principle. Therefore, Sir, I would ask whether it is not time that the system is done away with and that we tried seriously to consider ways and means by which a better state of things may come into being, that we try and evolve a system which may be more workable, which it may be worth one's while to work well, and worth one's while to try to work well. Now, as long ago as 1921 the Government thought that the Government of India Act should be revised earlier than 1929. Now, Sir, these 5½ years which have elapsed since have witnessed great developments, have seen very great changes, so that I would not be far wrong if I say that the political horizon to-day in India is much brighter than what it was before, and the case for a revision of the Government of India Act is very much stronger now than it was in 1921. I am of opinion that even though there may be some difference in the point of view of some schools of thought here and even though it may not be readily appreciated by the powers that be, the offer that has been made by the people who have till now stood outside the Councils should not be rejected. Time and again it has been made clear to Government by responsible Members both in this House and in the Assembly that whatever might have been their attitude in the past the Swaraj Party is now perfectly willing to co-operate provided it feels that there will be some real advantage in doing that. Though it is a fact that this statement is hedged round with a lot of other things which may seem to some people who are apt to take alarm too quickly to be objectionable, to me the offer appears to have been made in the plainest of terms possible and we should not therefore mind the way in which it is hedged round so long as they have proclaimed that they are prepared to co-operate. I will close my remarks by submitting this. Whether a Royal Commission is the agency by which this investigation has got to be made or whether it is by a Round Table Conference, let every honest effort be made in order that the investigation may after all prove more fruitful than the Reforms Inquiry Committee. There was overwhelming evidence before it which went to show the thorough undesirability and the utter unworkability of the present constitution but it failed to produce any result. I only hope that the new agency that may be created to investigate the problem will be given much wider terms of reference so that even though they may not now and all at once give us responsible government, they may prepare a scheme which will set us on the right path to work our way soon to responsible government. With these words I resume my seat.

THE HONOURABLE THE PRESIDENT: I gather from the last two speeches that it will certainly assist the Council if I proceed to clarify the issue by taking a decision of the House on the two amendments and I proceed now to put them to the House.

The original question was:

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and inquire into the working of the present Indian constitution and to formulate a scheme for the establishment of responsible government in India."

To which an amendment was moved:

"To substitute for the original Resolution the following:

'This Council recommends to the Governor General in Council to move His Majesty's Government to make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional

and administrative machinery of India the fundamental changes asked for in the Resolutions passed by the Legislative Assembly on 18th February, 1924, and 8th September, 1925, and to obtain the decision of His Majesty's Government thereon '."

To which two amendments were moved:

"That in the amended Resolution proposed by the Honourable Seth Govind Das for the words 'make a declaration in the Parliament announcing its decision to take immediate steps to embody in the constitutional and administrative machinery of India the fundamental changes asked for' the words 'appoint forthwith a Royal Commission or other suitable agency to formulate a scheme for the establishment of responsible Government in India in accordance with' be substituted, and the words 'and to obtain the decision of His Majesty's Government thereon' be omitted."

The first question that I have to put to the House is that those two amendments be made in the amended Resolution proposed by the Honourable Seth Govind Das.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question that I have now to put to the House is that the amended Resolution proposed by the Honourable Seth Govind Das be substituted for the Resolution proposed by the Honourable Mr. Sethna.

The Council divided.

AYES—8.

Govind Das, The Honourable Seth.
Mukherjee, The Honourable Srijut Lokenath.
Ramadas Pantulu, The Honourable Mr. V.
Rama Rao, The Honourable Rao Sahib U.
Sett, The Honourable Rai Bahadur Nalininath.
Sinha, The Honourable Mr. Anugraha Narayan.
Suhrawardy, The Honourable Mr. Mahmood.
Zubair, The Honourable Mr. Shah Muhammad.

NOES—37.

Abbott, The Honourable Mr. E. R.
Abdul Karim, The Honourable Maulvi.
Akbar Khan, The Honourable Major Nawab Mahomed.
Alay Nabi, The Honourable Syed.
Bell, The Honourable Mr. J. W. A.
Bijay Chand Mahtab, The Honourable Sir, Maharajadhiraja Bahadur of Burdwan.
Chadwick, The Honourable Mr. D. T.
Charanjit Singh, The Honourable Sardar.
Commander-in-Chief, His Excellency the.
Crerar, The Honourable Mr. J.
Das, The Honourable Mr. S. R.
Desika Chari, The Honourable Mr. P. C.
Emerson, The Honourable Mr. T.
Froom, The Honourable Sir Arthur.
Harnam Singh, The Honourable Raja Sir.
Hindley, The Honourable Sir Clement.
Hotson, The Honourable Mr. J. E. B.
Hubback, The Honourable Mr. J. A.
Khaparde, The Honourable Mr. G. S.
Ley, The Honourable Mr. A. H.
MacWatt, The Honourable Major General Sir Charles.
MacWatters, The Honourable Mr. A. C.
Manmohandas Ramji Vora, The Honourable Mr.
Misra, The Honourable Pandit Shyam Bihari.
Morarji, The Honourable Mr. R. D.
Muhammad Habibullah, The Honourable Khan Bahadur Sir, Sahib Bahadur.
Nawab Ali Khan, The Honourable Raja.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Rampal Singh, The Honourable Raja Sir.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Roy, The Honourable Mr. K. C.
Sethna, The Honourable Mr. Phiroze C.
Tek Chand, The Honourable Diwan.
Thompson, The Honourable Mr. J. P.
Todhunter, The Honourable Sir Charles.
Umar Hayat Khan, The Honourable Colonel Nawab Sir.
Wacha, The Honourable Sir Dinshaw.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: That brings the House back to the original Resolution moved by the Honourable Mr. Sethna.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: Sir, before I proceed to deal with the terms of the main Resolution, let me commence by congratulating my Honourable friend Mr. Sethna on the able and moderate way in which he put his arguments, and let me assure him that I shall meet him entirely in the same spirit. He is an accomplished speaker to whom I have listened on many occasions from another position in this House, Sir, and if on this occasion I meet him on the floor of the House, it is with great pleasure because I know he is a fair, impartial and reasonable antagonist. If he was somewhat unfortunate in some of his propositions, I doubt not that the reception they met with in this House was somewhat of a surprise to him also.

Now, Sir, I would ask the House to consider very briefly what are the actual terms of the Resolution which my Honourable friend has brought forward. He will pardon me for saying Sir, that his speech seemed to me to adumbrate a Resolution somewhat different in terms from that which is placed on the agenda. He asks that this Council should recommend to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission. That is, there is to be an immediate Royal Commission, and that Royal Commission is to do two things. It is, in the first place, to investigate and inquire into the working of the present constitution, and in the second place, it is to formulate a scheme for the establishment of responsible government in India. That is to say, the Royal Commission is not to inquire if, how or in what direction any extension of the present system is to be made. It is to formulate a scheme for the establishment of responsible government. Therefore, what my Honourable friend apparently contemplates is not the advancement of the date of the Statutory Commission provided for by section 84A of the Government of India Act. I must really take up the time of the House by reading this section once again. It is, I think, very important, that we should clarify our views on the subject of a Royal Commission. The Parliament which passed the Act itself also provides a machinery under the Act for the appointment of a Statutory Commission. Reference is often made to a Royal Commission of a different kind. But the method for examining the constitutional position created by the Government of India Act was in fact provided by Parliament itself in section 84A of that Act. That section runs as follows:

"At the expiration of ten years after the passing of the Government of India Act, 1919,"

—and there I pause to point out what is well known to the House that there must be in 1929 a Statutory Commission,—

"the Secretary of State with the concurrence of both Houses of Parliament shall submit for the approval of His Majesty the names of persons to act as the Commission for the purposes of this section. The persons whose names are so submitted, if approved by His Majesty, shall be a Commission for the purpose of inquiring into the working of the system of Government, the growth of education and the development of representative institutions in British India and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable

to establish the principle of responsible government or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of the second chambers of the local legislatures is or is not desirable."

Now, the words of that section require very careful consideration by this House. What is contemplated is a commission of inquiry by a tribunal which will come out, investigate matters, from its own conclusions and make its own recommendations. If I understand my Honourable friend rightly, his Commission—the Commission, I will not say at any rate that he adumbrated in his speech, but the Commission which he referred to in his Resolution—is something quite different. His Commission anticipates the decision, if I may say so, on the main point which will be in issue. It is to formulate a scheme for the establishment of responsible government in India. Sir, the progress towards responsible government has frequently been compared to a road and we have heard a good deal of the milestones on the road. My Honourable friend apparently contemplates that we should arrive at the last milestone at once and that we should formulate the procedure which is to be followed after we get there. That, Sir, is not what the Government of India Act contemplates. I recognise that my Honourable friend's speech was not quite in accordance with the terms of his Resolution. He there, I think, did contemplate something different. He did contemplate that it would be useless having regard to the long history of these constitutional debates and constitutional controversies which have been going on for some years to ask Government to recommend any fundamental change in the existing constitution without an inquiry of the nature contemplated by the Government of India Act, and I would point out to the House that that was the view taken also by the minority report of the Committee over which I had the honour to preside. They took the view that any drastic constitutional changes in the body politic in India must necessarily be preceded by an inquiry of the nature I have put forward and not by an inquiry with a pre-determined issue. My Honourable friend in speaking put forward the view that what is in issue is a further and immediate advance. He said, "We do not say we are right. We contend we are ready for a further immediate advance. We ask you to submit that case to a tribunal. You may differ from us. You may be right or you may be wrong, but we wish to go before the tribunal now. We are not concerned whether you think we have a good case or a bad case. We ask that we may prove our case." That is to say, in effect, his view is that he has now a case which would justify an impartial tribunal in granting the establishment of responsible government in India. But that is not what his Resolution asks for. His Resolution asks for something quite different. As My Honourable friend (the Honourable Mr. S. R. Das) points out to me, the Commission would come out with the main issues that it has to try decided in the affirmative.

Now, Sir, this question of the advancement of the date, assuming that my friend is basing his arguments on what he said in his speech and that his Resolution does not mean what it appears to mean in clear terms,—the case that he has really put forward is an advancement in the date of the Statutory Commission—this question has frequently been discussed. We discussed it in this House last September. The attitude of Government towards the proposition is well known. It cannot be better stated than in the words of the Secretary of State which must be in the

[Sir Alexander Muddiman.]

recollection of some at least of the Members of this House. The Secretary of State, speaking on this point, said:

"We shall not be diverted from its high obligations by the tactics of restless impatience. The door of acceleration is not open to menace; still less will it be stormed by violence. But there never has been a moment since the Constitution was adopted in which the Government of India, acting in harmony with the Government at home, has not been vigilantly and attentively considering the spirit in which the present reforms have been received in India."

Now, I am not prepared to say that there has not been some change in the attitude in certain circles towards reforms. My Honourable friend opposite made a speech which differed fundamentally, if I may say so, from the speech that he made in September.

THE HONOURABLE MR. RAMADAS PANTULU: No, Sir.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: Am I to understand that my Honourable friend has not moved an inch since last September?

THE HONOURABLE MR. RAMADAS PANTULU: I have not.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: I have been supplied with the answer I require to give to my Honourable friend Mr. Sethna. We are told that there has been no change. The Honourable Mr. Sethna said that there has been great change. But speaking on behalf of that Party which at any rate is the most numerous in one House of this Legislature and is well represented even in this House, he said that there had been a change of heart, that they are co-operating. My Honourable friend, speaking with perhaps more authority than even the Honourable Mr. Sethna, says that it is not the case. Sir, it is no part of my brief to overstate my case. I am prepared, in spite of my Honourable friend's protest, to admit that there has been some change. I have seen some weakening, shall I say in the cement that holds together those who hold views which I understand my Honourable friend (the Honourable Mr. Ramadas Pantulu) holds. I have seen a distinct weakening. But, Sir, that does not really greatly alter the case. It is true, and I admit it, that the general attitude in the country has improved. It is true that in certain places Bills which might have been rejected have been considered on their merits and passed. I admit all that. I must also remember however that in other places there has been no such change, that in two important provinces in India now, my own Province and the Central Provinces, the reforms are not working. I do not agree with the arguments that have been put forward that they are not working in other provinces. They are working in other provinces and it proves that with goodwill those reforms can be worked. As has been said you have not come to us and said "You have not given us enough; we will prove by the use of that which you have given us our use for more". That is not my Honourable friend's argument. His argument is "We will have nothing whatever to do with the reforms!" That at any rate is the argument of his party. He tells me that it was not. I again wait for confirmation.

Then, Sir, since last September after the debates in the two Houses the Government of India have been most carefully considering the position. They have considered the debates in both Chambers. They have watched

what has been going on. They have observed, it was a matter that was thrust on their attention, the resolutions which have been referred to which were passed at Cawnpore. I am told, I think by one speaker, that those resolutions were not in the nature of a threat; they were the hand outstretched. Sir, I am always willing to put a favourable construction on any statement that may be made; but admitting the hand outstretched, I ask the House to say, was it the hand of friendship? I fear not. The Government of India have considered whether since the debates took place last September there has been anything which would justify them in modifying the provisional conclusion which they then laid before the Legislature on those occasions. They have done so with an anxious and eager desire to see the position from all points of view. They put themselves in the position of those who would desire to put the case in the most favourable light. They are unable to come to any other conclusion; they must adhere to the position which they then adopted. And what is that position? It is this. It has been brought before this House in words which must have made the greatest impression on those who heard them, and if the House will permit me to take up their time for a few seconds I will repeat them again. No less a person than the head of the Government of India in addressing this Council made the following observations:

"In the first place by the evidence of a spirit of this character an earlier appointment of the Statutory Commission might be secured. I understand that this is the aspiration of all in India whose avowed desire is to attain political progress by constitutional means. Not less important is the other consideration, that by this spirit alone a better political atmosphere would come into existence and prevail at the time the Commission commenced its inquiry * * * It is thus made clear that proof of genuine goodwill in the direction of working the constitution to the best advantage will be regarded by the British Parliament as an important factor for their guidance in determining the course to be pursued in the immediate future. If this view is correct, and I can scarcely conceive the possibility of contradiction, and as the future stages of advance must be decided by the British Parliament, would it not benefit India's political progress to provide plain and unambiguous evidence of this goodwill."

Now those are considered words, well weighed words and they are words which cannot be repeated too often to this House. They are not spoken in anything but a spirit of goodwill and with a genuine desire to see India advance in the course which it has so greatly at heart. My Honourable friend will probably tell me that there have been unambiguous expressions of goodwill. I do not think he really feels that. I do not think after having heard what was said in this House he could expect me to believe it. I do not deny that the atmosphere has improved. I hope the atmosphere will improve and when the atmosphere does improve then the condition that is laid down will be on the road to fulfilment and India may be nearer to that which she so much desires. But it is not by referring to existing institutions as camouflage; it is not by arguments of that kind that reasonable men are convinced. It is not true to say that the existing constitutional institutions in India are camouflage. They give power; it may not be such power as you desire or to the extent which you desire, but they give power and the proof that they give power is the awakening of the consciousness of power in the various communities. Much of the trouble that has been experienced in the last two years is nothing unusual, nothing to be disappointed at in one sense; it is that at last the communities have felt that they are in touch with realities; it is that these painful years of development have been useful to India in

[Sir Alexander Muddiman.]

that they have brought India to know that the future is not to be determined by a stroke of the pen, that you cannot force people to work constitutions, that you may grant constitutions but unless you can work constitutions you are no further forward. The peoples of India are beginning to recognise the fact that it is by facing realities that we shall solve those problems which so urgently call for solution; it is not by a conspiracy of silence, it is not by hiding, by putting away in a corner, those questions which are and must be the vital questions to be decided, that advance will be made. It is said—my Honourable friend said it no doubt not too seriously—it is said that we have the Swaraj Party on the brain. Sir, I do not recognise any party. I recognise that there are influences in this country which we have to consider. I do not think we have them on the brain; they were at one time very present in the body; there still are a large number of them in the Legislatures of this country, and, as it must be in all important bodies of men, perhaps there are right wings and left wings, but still they are a very present and important factor in India; and my Honourable friend when he speaks in their name would do well I think to ascertain that he has authority to speak in their name. I must confess that when I listened to the speeches I found that on that point he needs no further refutation than the refutation that has come from those Benches themselves.

Sir, I have detained the House at considerable length. I have endeavoured to bring forward matters for your consideration which I think it is essential that you should consider. I trust I have given no inconsiderate or hasty reply to the Resolution on the paper. I have shown that as far as Government are concerned we stand exactly where we did in this respect. We have done and are still prepared to do what we said we will do; but it is useless to come and put forward a Resolution which in effect is entirely contrary to anything that has ever been put forward as the possible result of a Royal Commission. You will prejudice the issue if you ask us to accept a Resolution of this kind and it is quite impossible for me on behalf of Government to do so, and I trust the House will take the same view.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Resolution so ably moved by my Honourable friend Mr. Sethna. We have seen that Dyarchy has everywhere failed; and it is natural it should have failed. Functions of Government cannot be separated. All departments are intimately connected with one another. It is impossible to shut them in water-tight compartments like those of Reserved Departments and Transferred Departments. The only solution is unitary system of Government. The Government must make up their mind to make the representatives of the people in the Legislative bodies fully controlling authorities in all departments of Government excepting military defence and political and foreign relations with protected Princes and foreign powers.

It may be said on the other side, that the Preamble to the Government of India Act of 1919 lays down, that further advance in self-governing powers will depend on the amount of co-operation received from the people in working the reforms. Sir, we all know, and the Government also admit it, that in the first Legislative Assembly and in the first Council of State, the Government received full co-operation, from the representatives

of the people. In the second Legislative Assembly too, Sir, some of the most important measures moved by Government have been supported by the Members of the Assembly. They supported the scheme for the separation of Railway Budget from the General Budget. They supported the proposal of Government in connection with the iron and steel industry. Ordinarily, Sir, the Government received co-operation from the Assembly; but even most of the Swarajists have adopted responsive co-operation and are veering round to co-operation. But I would like to ask, which Legislature in the world does not at times adopt obstructive methods? Even the Mother of Parliaments, the British House of Commons, does at times adopt obstructive methods against the ministry in power. The representatives of the Indian people in the Legislative Assembly, Sir, have conducted themselves in a responsible manner. They have not in practice followed a policy of continuous and constant obstruction. Sir, I hold that we have satisfied the condition regarding co-operation in the Preamble, and I am sure, any Royal Commission that may be appointed will give its verdict in our favour.

Members occupying the Official Benches may tell us that India is not yet fit to defend herself; and that self-government without ability to defend means nothing. I would like to ask, Sir, whether this condition was imposed on the other self-governing Dominions before self-government was granted to them? Was Australia fit to defend herself against Japan or any other great power when self-government was granted to her? Was Canada fit to defend herself against the United States of America, or any other power, when dominion status was granted to her? No, Sir, this argument does not hold water. The inclusion of the Dominions within the British Empire is a source of great strength and advantage to England. The ever-expanding population of England finds a home in these Colonies without being obliged to go out of the Empire. Similarly, the continuance of India within the British Empire is a source of great strength and advantage to England. In fact the British Empire without India is no Empire. A very large number of Englishmen find employment in India. England finds in India the greatest market for her goods. It is undeniable that England derives immense material advantages by possessing India within her Empire. For her own sake, therefore, it is England's duty to defend India against foreign aggression, just as it is her duty to defend the other self-governing Dominions. But, Sir, there is another aspect of the question also. Indians do not shirk the responsibility of defending themselves. On the other hand they have been crying hoarse themselves for a number of years past to have greater opportunities for military service. We have been asking for the expansion of our territorial forces, but we have received a very meagre response from Government. We have been asking for the extension of recruiting operations for the Indian Army to all parts of the country, but they have so far confined their activities in this matter to only one or two provinces. The restrictions imposed by the Arms Act have unmanned the entire Indian population. Does it, under such circumstances, lie in the mouth of the Government to say that India cannot get self-government, because she is not fit to defend herself? We may well ask, who has rendered us unfit for this work?

Our friends on the opposite side may say that we have not yet defined what Swaraj exactly means. They may say we have not yet indicated what kind of constitutional government we want. Sir, we have given

[Lala Ram Saran Das.]

the answer to that question on the 8th of September, 1925. In the Simla Session of the Central Legislature, the Legislative Assembly formulated the Indian demands. These demands have been confirmed by the Congress as well as the Liberal Federation in Calcutta. The details of this scheme can be worked out by a Royal Commission or any other body appointed by Government. All political parties, Sir, are now agreed on what should be the further stage in the constitutional reforms in India.

It may be urged that the masses in India are not yet politically awakened, and that they cannot as yet be trusted with votes. It may be said that India is as yet very backward in education, and that the Indian masses cannot as yet intelligently exercise the franchise. In this connection, Sir, I would like to ask, what was the condition of the English educationally at the time of the Reforms Act of 1832, or even at the time of the Reforms Act of 1884 and 1885? In 1832, Sir, the English people were very backward in education, and yet the people were trusted with votes.

We are sometimes told, Sir, the Hindu-Muhammadan differences, and the Brahmin and non-Brahmin differences stand in the way of the successful working of democratic institutions. But, Sir, I must frankly point out that the acceptance by Government of a policy of having communal representation in all spheres of Governmental activities is responsible for all this tension. Instead of confining it to legislative bodies, and even that temporarily, the Government are now extending communal representation to local self-governing bodies, to the services, to the admission of students into schools and colleges, in fact everywhere. The extension of communal representation is clearly responsible for all this present communal tension. It is in the hands of the Government to remove this communal tension.

We were told the other day by a very high authority that the present political atmosphere in England is not as yet favourable to the appointment of a Royal Commission. I do not know, Sir, how political atmospheres in England can be improved. What I do know, Sir, is that India wants England to do her justice. India is of very great material advantage to England. It is England's interest to see that India does not remain a discontented and dissatisfied member of the commonwealth of British nations. A contented India within the British Empire would be a source of great strength to England. The demands of India are reasonable, and I should think, Sir, that England should give her responsible government. India wants to remain within the British Empire. She has learnt a good deal from England. India is a pupil of England, and by being within the Empire India like other self-governing Dominions feels a great sense of security. It is to the mutual advantage of both England and India to be indissolubly bound in a tie of everlasting friendship; and I hope, Sir, England will not refuse to meet the reasonable and just demands of India.

The Reforms Commission is to come sooner or later, not later than 1929—why not have it now? Be generous and you will secure the goodwill of not only this House, but of the Assembly as well and of Liberals, Independents, and Swarajists in India. Generosity will breed generosity and the result will be peace, contentment, and happiness all over India.

With these remarks I support the Resolution which my Honourable friend Mr. Sethna has so ably and admirably moved in this House.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN (Bengal: Nominated Non-Official): Mr. President, when the leaders of all parties in a country press for the raising of that land to the level of the nations of the world and show a haste, even an unpardonable haste, for liberation and liberty the position is full of pathos. It is undeniable that whatever the reasons may be the present reforms as well as the present constitution do not satisfy Political India. But may I ask those who ask for a Commission, this? Does the remedy lie in simply appointing a Commission or some other agency to inquire? I hope that both parties here, those on behalf of Government as well as those who are advocating this Commission, will forgive me if for a moment I try to appear as an amateur surgeon and try to dissect things. I should like to put some direct questions. Are the British Government prepared to leave India? If not, do they think that in a land inhabited by people alien to them dominion status like Canada or Australia, is possible? If not, what is the alternative shape in which self-government in India, or to use the nomenclature responsible government, could be realized?

The forces in India that are making themselves more and more visible every day may be classified for my purpose into four groups. First of all, we will have to put the anarchists and revolutionaries. Then we shall have to put the extreme wing of the Swarajists, *i.e.*, the militant Swarajists to which I take it the Sethji from the Central Provinces belongs. Then we shall have to bring in the Independents and Nationalists, and lastly those who are still considered as the Constitutionalists or Moderates. The last category is for the moment very much in the minority, and in fact, at times I am unable to find a Moderate in some quarters. The first two, it is no good denying, are tired of British rule in India, and would probably prefer Bolshevism, Brown Rule, Revolution, Yellow Rule anything except British Rule. That being the situation, the British Parliament has to be asked to make up its mind definitely as to what is to be the future government in India. But one thing must not be forgotten that in all future advances the Government in this country as well as the Goverment in England have got to consider those vested interests which have hitherto believed in them, *i.e.*, British Rule. If they do not and if they still wish to hold India, may I bring a parallel and I trust I will be pardoned for the parallel. Let us imagine ourselves for a moment in the Appian way of Rome. Let us imagine St. Peter and his little group of Christian followers about to leave Rome for the persecutions. Let us then imagine the shadow of Jesus Christ appearing and St. Peter taken aback exclaiming "*Domine quo vadis?*" Let not the condition come to such a pass in India when the British Government, the British element is forced to say to those vested interests, "Where goest thou?" because they can turn round and say with justification, "Where goest thou?" It is all right for one Sethji to be so softhearted as to become a ewe lamb to be shorn by his Swarajist friends, but there are others who would not be willing to be fleeced so easily. There is also that India which counts, that India of which His Highness the Maharaja of Baroda reminded us at a Banquet held not very long ago at Baroda. For all these reasons the future advance is neither so easy nor can one so light-heartedly ask for responsible government to be given to-morrow, immediately at once.

[Sir Bijay Chand Mahtab.

Now, let me come to the question of the atmosphere. To my great delight I have had the honour and privilege to hear from two Members of the Central Government two of the best and clearest pronouncements that I have had the privilege to hear for a long time. Yesterday the Honourable Mr. S. R. Das, the Law Member, made an excellent speech defining the position of the constitution of the Government of India. To-day my Honourable friend, and an old friend too, the Home Member has told us in unmistakeable language what the position is. And I congratulate him, and through him the Government of India, because what we do want in India is this firmness and not the rumour and sometimes more than a rumour that goes round "that those that hammer most get the most." A friend who is now holding a very responsible position in the Punjab Government once told me a story, and I think there is something in it. To an old military friend of his he had complained that the class or community to which he belonged did not always get the attention it deserved. The military officer turned round and said: "My dear fellow, you do not hammer half enough like your political friend. The Englishman only gives in when he is hammered". That is the position, Sir, and if by hammering people get something, they will go on doing so and there will be many more Sethjis who will join the Swaraj Party. But what I wish to submit in all seriousness to the Government of India is this one fact, that whilst a Royal Commission as suggested by the Honourable Mr. Sethna may not be possible, and I do not think it is constitutionally possible, if the atmosphere does not change, then before very long, I think the Government of India will have seriously to consider whether oligarchy will ever be a success in India, whether or not bureaucracy must continue, whether it be more tinted and more coloured than it is now. Further, if the obstruction continues, that obstruction itself might act in a very different way to the larger majority of Indians who really do want to see India raised to the level of the nations of the world, the British Parliament might turn round and turn round very rightly and say: "We gave you partial responsibility and we gave you responsibility, but you would not have it, therefore all that we gave has got to be changed until you prove that you are fit, until every party shows that it is fit to shoulder those responsibilities." I think, put in a nutshell, that is the position which the Government of India themselves put forward. I therefore appeal in all earnestness to all parties in India, being a non-party man myself, that the best way to get a further instalment of reforms is to work those we have now wholeheartedly and not to bring forward Resolutions of this nature at every Session.

Sir, I have only one more word to say, because by a strange coincidence of course, you the Honourable President, Sir, cannot join us in the debate, but by a strange coincidence in this Chamber to-day, there are present four out of the five signatories to the Majority Report of the Reforms Inquiry Committee, the Honourable Sir Arthur Froom, the Honourable Sir Alexander Muddiman, the Honourable the President and myself, and I may remind those who were my colleagues then that in a note at the end of the Majority Report, I doubted the wisdom of any Commission just now, and I still doubt it. I further said that we should not wait for a Commission and delay the examination of the possibilities of inquiring in greater detail into the question of provincial autonomy. I am glad that the Government of India took up that suggestion, and the valuable

report which Sir Frederick Whyte has submitted is indeed a very useful document, although it has been belittled in some quarters. I should like to draw the attention of those who somewhat light-heartedly use the words "provincial autonomy" to study what Sir Frederick Whyte has said on the subject. For all these reasons, Sir, I would ask the Honourable Mr. Sethna to withdraw his Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): Sir, hitherto the objection to a Commission was based on three grounds. One was that under the existing law it was possible to make progress and therefore we should not be in a hurry to make any change. The next ground was that the merits and capabilities of the constituencies had got to be properly tested, and Government wanted to test them before making an advance. The third ground was that the constitutional machinery as it is functioning in India requires to be tested, and until it is tested it is not advisable to make an advance. To all these grounds, Sir, two more grounds have been added to-day, one by the Honourable the Home Member for whom, as everybody knows, I have very very great respect, and with whom I am on terms of even private friendship, and that ground is this. The Commission spoken of in the Resolution by the Honourable Mr. Sethna is not the same as was mentioned in the House of Commons the same evening this Act was passed. Sir, when this Act was passed, or when it was on the anvil—I forget now exactly the stage—it was, I think, Mr. Ben Spoor who put a question and asked whether for the next ten years no attempt would be made at all to advance the cause of India. Then Mr. Montagu pointed out that he never said that nothing would be done until after 1929, but an inquiry might come before 1929. Well, the matter remained there, and we came to India. I quite admit that even in the very first Session the Assembly passed a Resolution asking for full responsible government. Then I made an attempt to explain it by saying that India had been starving for a long time and has been asking for more reforms, and since a small step had been taken, they naturally ask for more. Now, what happens in famines? People who are famished or hungry for days and days together do not get a good meal all at once, because it is not good for them. The doctor says to them: "Take a little *conjee*". Then the people ask for more, and the doctor says that he will not give it. Then again the famished people cry out for more and more, and the officer on special duty or the doctor who looks after these famished people gives them little by little. Similarly, such a thing happens here. In the First Session of both the Assembly and the Council of State,—my Honourable friend behind me (the Honourable Nawab Sir Umar Hayat Khan) will bear me out—it was said " Don't attend to what these people say because they have been famished for a long time, they will go on asking for more and more".

Because they have been famished in the matter of reforms for a long time they will go on asking for more. But that does not matter. You need not put it as anything against them. I gave the instance of Sir Walter Scott. He was a poet and a novelist. He had a horse given to him for the first time at the age of 18. He was fond of the days of chivalry and gallantry. He thought that he had himself become a knight. He got on that horse and made it run faster than it could. I told you that story. It is because we were famished for a long time. During all the 20 years of the administration not a single reform was given. And now

[Mr. G. S. Khaparde.]

that we are given it in very little doses, we naturally ask for more. I said that this does not matter. Don't take this seriously. My friend replied that we are not legislating for children, therefore we need not talk about it. That, however, is not the point. The point is that what they said in the First Session either in this House or in the other House need not be taken very seriously. Of these four objections which I have mentioned three already were urged later on. This is not a new thing. That is the case with everything in this world. First we distrust a thing, and generally ridicule it. When it is urged with a little more strength, we come to argue about it and ultimately we come to an agreement. That is the process in which the world goes on. We live and learn. In the very First Session of the Assembly and the Council they talked of having Swaraj. I laughed at that. Others laughed at that and I joined with them in their laugh. Later on, argument went on, and the argument reduced itself to these three objections that I have mentioned. The fourth ground taken to-day by the Honourable the Home Member is that the Royal Commission that the Honourable Mover has put down in his Resolution is not the same Commission that was spoken of on the night when the Government of India Act was passed. He thinks that this Commission is something different. I myself think that the two are the same. What the Honourable Mr. Sethna means is that this Royal Commission may be appointed any time before 1929. The date was fixed with the idea that it should not be delayed beyond that date. My Honourable friend Mr. Sethna says: "Kindly have that inquiry made now." That inquiry, if granted, will deal with all the objections that have been taken here and before.

The first objection taken is that it is possible to make progress under the Act as it stands. I quite agree that it is possible, but you do not wear a coat threadbare. You do not wear it until it becomes thoroughly unserviceable. You do not throw it away only when it becomes absolutely inconvenient to wear. So, I do not see why all the possibilities of the existing Act should be exhausted before a further step is taken. Such a proposition is unthinkable either in law or in practice. If a coat is fairly worn out and shows signs of being old, we throw it away and have a new coat made. Similarly, there are possibilities of a further advance in the present Act, but it has grown old to a great extent. Six years is not a small period now. In olden days, 20 years was a much smaller period than six years now. We run faster nowadays with all this new machinery, motor cars, æroplanes and baloons. 5 or 6 years now means what formerly 20 or 25 years meant. We have had experience for 5 years.

Then they say that the capabilities of the electorate have to be tested. I do not know of any test that can be applied to the electorate. We have seen in England electorates which threw overboard men like the great Mr. Gladstone in those days. In the present days they threw Mr. Asquith (now Lord Oxford) overboard. So electorates are not to be relied on. In all countries they are fickle. I do not know of any test being prescribed for them. If I am ignorant, I hope I shall be corrected. But there is no test laid down, so far as I know, how to examine and pass an electorate.

The third argument was that the capabilities of the machinery have to be tested. This always frightens me. I think the Honourable Sir Alexander Muddiman will remember that when machinery was talked of, I said that I was tremendously afraid of machinery in the 20th century, because,

in the 20th century, to eat one ounce of food, you require 20 tons of furniture. You want a table and all the furniture and all the crockery. Before you eat one egg, you want 20 tables, 30 spoons and 15 forks. Machinery is a terrifying thing. In the 20th century, it has multiplied so tremendously that whenever any one speaks of machinery I get terrified, and run away from the place. You know the history of the present income-tax. It was originally introduced when I came to the Council to improve the machinery for collecting it. What is it now? It has become perhaps the principal item of income in our Empire and it exceeds the land revenue. So, this improving of the machinery leads to other things. So I do not quite understand this. The machinery is the electorate. The District Officers and Commissioners are appointed Returning Officers. What more machinery do you want? The voters are there. They are taken care of. They are led to the Returning Officer. What further machinery you require, I do not know

The fourth objection that is taken is that this is not the same Commission that was talked of in 1919, as likely to come in 1929. I humbly submit that it is. My friend the Honourable the Home Member will ask: "What is the meaning of formulating a scheme for responsible government?" This is what is called the *fala sruti*. In Indian books, supposing it is a prayer, at the end you say: "Whoever says this prayer will go to Heaven; a man who is unmarried and wants to marry will get a good wife; a man who has not got sons will get sons." This is called the *fala sruti*. You are told that you would get all these things if you read the prayer. In the same way, the Honourable Mr. Sethna has given the *fala sruti* part of the Resolution. He says that we want an inquiry. We want it a little earlier than 1929. Why should it be advanced in date? Because it will lead to responsible government and self-government. That clause is not the operative clause of the Resolution. It is merely the *fala sruti*, something added merely to induce you to read it and to follow it. That is not the operative clause. That Commission is the Royal Commission that has been spoken of in Parliament and out of Parliament. The other day His Excellency the Viceroy kindly said what the Honourable the Home Member has read out. I intended to read it myself and I have got it marked. He stole a march over me and read it first. The Viceroy also has said that if we give co-operation, then the inquiry which is to be made by the Royal Commission will be hastened. I therefore thought that this was an auspicious time, a propitious time for putting forward this Resolution. One Member of the Swaraj Party, as the Honourable the Home Member himself pointed out, took the responsibility of speaking for the whole Party and got into a mess over it. Then he said they were co-operating. Another Member said that he had no faith in British Government, and that the Swarajists were not co-operating at all. I depend upon this circumstance that in the beginning they talked very wildly. Now, greater wisdom is prevailing and out of the non-co-operation party arose the Swaraj Party, and out of the Swaraj Party I am very glad to see that there is a party of responsive co-operators coming to the front. Hitherto I had the monopoly of my views. I was a corporation sole. I was the only one who was for responsive co-operation, but now, I am pleased very much that many more people are coming along, and I pray to God that the responsive co-operators will multiply and thereby hasten the regeneration of India and lead us to self-government or responsible government as we

[Mr. G. S. Khaparde.]

call it. So far then for the objections taken by the Honourable the Home Member.

The Honourable the Maharaja of Burdwan put forward a new argument which unfortunately I could not understand. If I am mistaken, I beg to be corrected. His idea appears to be that you should attempt no advance unless the British people are willing to go away from India bag and baggage. Unless this can be done he says you need not think of any advance at all. His further argument appears to be you have got to wait and wait so long . . . . .

THE HONOURABLE SIR BIJAY CHAND MAHTAB. MAHARAJADHIRAJA BAHADUR OF BURDWAN: May I offer an explanation, Sir. I did not say anything of the sort. I asked a question of the Government, whether the British wanted to leave India. There is no question of waiting until the British have left, bag and baggage, as my Honourable friend puts it.

THE HONOURABLE MR. G. S. KHAPARDE: The putting of that question means that you need not consider this proposition until you are prepared to leave India, as I interpret it. If it is wrong it may be criticised, but the idea underlying the putting of that question, "Are you prepared to make India over to an oligarchy, are you prepared to put up with all kinds of injustice?"—all that is that the Honourable Mr. Sethna has put something so terrible before us that unless you are prepared to do that you need not think of it.

THE HONOURABLE SIR BIJAY CHAND MAHTAB. MAHARAJADHIRAJA BAHADUR OF BURDWAN: Sir, may I rise again? I think the question was this. I was enumerating the difficulties of making a jump towards responsible government immediately, and as one of those difficulties I asked: Was the British Government prepared to leave India at once?

THE HONOURABLE MR. G. S. KHAPARDE: Well, to that the reply is that it is preparation for leaving the country.

THE HONOURABLE THE PRESIDENT: Order, order! The Honourable Member has exhausted his time and I would advise him to get on with his own speech and leave other Honourable Members' speeches alone.

THE HONOURABLE MR. G. S. KHAPARDE: My speech, Sir, is coming near its end. I was dealing with the objections that have been urged against this Resolution and I was dealing with the last objection that was taken by the Honourable the Maharaja of Burdwan, and it was in the course of that that our conversation arose for which I am very sorry. I still maintain that these questions were intended to make out that unless the British Government were prepared to walk out of India they need not think of this proposition.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN: It was not meant to convey that, it was meant to tell the British Government if they do not propose to walk out of India that is all the more reason that the future advances have got to be most carefully considered.

THE HONOURABLE MR. G. S. KHAPARDE: That is what my own argument was. I do not say they will give Swaraj to-day. I do not maintain that proposition. I agree with the Honourable the Maharaja of Burdwan,

or rather the Maharaja agrees with me, and our opinion is that this inquiry should be undertaken, should be gone into, and if it is reasonable by all means give us a further advance; if it is not reasonable then there it will end, you need not give it. So I have endeavoured as well as I can to meet all these objections that have been taken to this Resolution. I maintain that it is a proposition which if assented to and carried out here will do a great deal of good at the present time in India. It will show that something is being done, that something is being attempted, and those attempts that are being made outside to tell people that no pledges will be observed and nothing will be done and you will all be led into traps—all those objections will disappear. Whereas if you did nothing, simply sat with folded hands, you would give an additional weapon into the hands of those people whose business it is to misrepresent and to create some kind of misunderstanding between the Government and the people. With these few words I heartily support the proposition suggested by my friend the Honourable Mr. Sethna.

THE HONOURABLE SAIYID ALAY NABI (United Provinces West: Muhammadan): Sir, I listened with a great deal of care and attention to the Honourable the Home Member. I am sorry, however, that I find myself unable to agree with him either in the interpretation which he has put upon the Resolution as it has been placed before the Council or in the reasoning he has employed in opposing the Resolution. In any case I should expect that a Resolution like this has not to be objected to or approached simply on the ground that technically it offends against the provisions of some section or other. After all there is some difference between a court of law and a Council like this. Even a court of law if it finds that it is barred from hearing a certain suit or a certain claim only on technical grounds will be very reluctant indeed to throw it out on the basis of such objections, it very often finds a way out of it. Now in this case you find that reference has been made by the Honourable the Home Member to section 84A of the Government of India Act. It is said that the Government of India Act laid down in the body of that section the words—I will not read the whole of the section but only clause 2 and I will not read the whole of clause 2 but only those important words on which reliance has been placed. The section lays down that:

"the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein."

Those are the words. Now it cannot be denied, I think, that the principle of responsible government has not only been established, but there it is in practice and you will find, Sir, help in this direction from the Select Committee's Report on this where in paragraph 3 they say:

"In the declaration made by His Majesty on August 17th, 1920, there is enunciated the problem for which the Bill endeavours to provide a solution. It is designed as the first stage and a measure of progress towards responsible government."

"Responsible government"—there it is. Now the question remains only of the extension, modification or restriction of the degree of responsible government. The word "extension", of course, means that the extension may be in part or the extension may be in full. So if the Honourable the Mover of the Resolution says that he wants the establishment of responsible government, he is not far wrong. The Royal Commission may when it comes, Sir, after taking into consideration all the factors come to

[Saiyid Alay Nabi.]

the conclusion that the principle of self-government that has been introduced in this country may be extended. It may come to the conclusion again that it may be extended to its fullest length. So my submission is that it is rather a narrow technical and restricted view to take of the Resolution that it seeks full responsible government. A Resolution like that in a Council like this has to be met on its merits. Now so far as the merits are concerned, you will find, Sir, that the Honourable the Home Member has referred to an extract from the speech of the Secretary of State where he used these words: "The door of acceleration is not open to menace". I am the last person to say that. I think nobody in this Council, not even the Swarajist Members even though they make heated and excited speeches, means to say that the door of acceleration is open to menace, and I do not think that that is the position of the country as a whole. There may be some wild talk about it here and there but that is not as a matter of fact the mind of the country as a whole. But when referring to this I may refer also to another extract from the speech of the Secretary of State for India which sums up the position of the Government where he said:

"Even assuming co-operation it was thought that a period of ten years would be required to afford the data for reliable conclusions and generalisations. But I do not consider and I wish to make clear my own view that it was not the intention of the Legislature to attempt to shackle any succeeding Government if a spirit of cheerful and loyal co-operation was generally exhibited on the one hand, or if, on the other, grave and glaring defects disclosed themselves."

Now these were the two conditions. The Secretary of State on behalf of Government said that there were two conditions by which the pace of progress can be accelerated: one condition is that glaring defects must be found in the constitution; and the other is that there must be cheerful and loyal co-operation on behalf of the people at large. These are the two conditions; and the meaning of this is that if these two conditions are found to exist, then the pace of progress can be accelerated. Now, Sir, it is a question of fact whether these two conditions exist or not, a question of fact which depends upon testimony. Now what is the testimony so far as the glaring defects are concerned? Five years after the working of the reforms scheme the Government constituted a Committee presided over by the Honourable the Home Member. That Committee nominated certain people to give evidence before it; they came and gave evidence. If I may say so, they were their own witnesses; but I do not want to take that narrow and technical view. They were true and honest men who had worked the reforms in a loyal and ungrudging spirit and who had tested material parts of the machinery. They were men who had whole-heartedly entered into the reforms scheme and they had pledged themselves to make it a success. They did their level best and tried to make it a success. But then what was their experience when they had worked the machinery or that part of the machinery? Their experience was that they could not possibly work that machinery. They said it was a failure. That was the general opinion about it. That was the opinion of these people who were concerned with it most intimately. That is the evidence of these people, the evidence of the Ministers who had worked it, the evidence of some of the Executive Councillors who had worked it. What more evidence do you want on that? Is it not a fact which is established by most unimpeachable evidence? What more do you want? What more evidence

can you find about the glaring defects of the machinery? That is this part of the case. When the evidence was over the Committee sat down to record its finding. What was the finding of the Committee? The finding was that that part of the machinery, namely, dyarchy, was neither a success nor a failure. That sort of finding of course is not ordinarily intelligible to the ordinary man. It must be a success or it must be a failure. The people who were most concerned with it said dyarchy was a failure; but the people who heard that evidence said it was neither a success nor a failure. The only conclusion that any impartial body of men can come to on that evidence is that it was a failure. That is one part of it.

The other part is about the cheerful and loyal co-operation, a sincere and genuine desire to take part in the reforms. Now, that is again a question of fact. I have heard to-day from the remarks of the Honourable the Home Member that there has been an absence of that sincere and loyal co-operation which he expected. It is a question of opinion more or less But if people's intentions are to be judged by their conduct—and I do not know of any other test—then the evidence of conduct should be forthcoming and has to be relied on for the consideration of a case like this. What is the evidence before us, as to whether there has been co-operation or not? You started these Legislatures in 1921. The first Assembly came in and sat down and worked the reforms very well and to your entire satisfaction. You were quite happy with them; you applauded them and you went so far as the Honourable Mr. Sethna said in his speech that you recommended that the constitution may be reviewed or revised. You passed a Resolution in the Assembly to that effect and you were thoroughly happy and you had no complaint about non-co-operation. I remember of course having read the proceedings that your complaint was that the men who were outside were complaining about the conduct of the Government and that they were non-co-operating, and therefore the country as a whole was not co-operating. I do not want, Sir, to minimise the importance of the Swarajists or some of the Swarajist Members; they are very vociferous people no doubt. But the question is, if a certain section of the people remaining outside and cry and raise a protest against the actions of the Government, are you justified, is it fair, is it right, is it the correct attitude for you to adopt to condemn the whole country from one end to the other? That is a position that ought not to have been taken. After all this is a vast and stupendous country with teeming millions. You have a limited franchise; and you cannot expect people from one end of the country to the other, consisting of thousands of leaders, to be all of one mind, to be acting according to the pleasure of the Government, raising no voice of protest against the actions of the Government. If you judge the amount of co-operation by that test then I think you will have to wait till eternity. There is no shorter time for it. But if you judge of the conduct of the people when they come to you in the Legislatures and have been given some responsibility, that would be the right test of their conduct. There you see and watch how they are conducting themselves.

Now, Sir, the second Assembly came and sat. The Swarajists came in; they came in of course to work the constitution. It is all wild talk to say that they did not come to work the constitution but to destroy it. It is only talk and nothing else; they came in and took the oath to bear true allegiance to the King Emperor, and they came in under the ægis of the Government of India Act, 1919, to work the constitution as embodied in

[Saiyid Alay Nabi.]

that Act. They could not possibly take up any other attitude and they did not take up any other attitude. Of course they took advantage of the approved methods of opposition in the constitutional manner and they are expected to do that. If anybody were to complain about that sort of conduct, namely, opposition in the Legislatures, which are legislatures modelled on British institutions, then I think it is rather hard on those people. People working representative institutions, holding power in representative institutions, are expected at every moment of their life to defend themselves against opposition. That is the very essence of the constitution. That is the beauty of the constitution. They work under the fierce search light of public criticism, day in day out, and they ought to be prepared for it; they ought to be prepared for the opposition of every Bill and measure brought in by them; the opposition Benches are there for that purpose. If they are Government servants, not elected by the people to-day, and if to-morrow elected people come in their place, certainly they would be subjected to the same sort of criticism. That is the constitution. So to feel unhappy or to criticise want of co-operation on the ground that there has been strong opposition to all the Bills and motions and measures which are brought by the party in power, is, I think, wrong and of course goes against the fundamentals of the constitution. That, Sir, has been the history of the second legislature. Whether there has been real non-co-operation or not again depends upon the testimony that you have, upon the facts as they stand. You have people sitting in the Legislative Assembly, people who are thoroughly impartial; they have given their testimony on this point. I read the other day in the proceedings of the Assembly Sir Darcy Lindsay and Sir Basil Blackett speaking in high terms about the co-operation of the members in the Assembly and in the Committees. Well, Sir, not only that, but I think the best possible evidence on that point which could possibly be available would be that of Sir Frederick Whyte. He was the President for about five years. He watched the proceedings. He controlled the parties, he controlled the whole House. He entered into the hearts of the people and he had occasion to find out the motives of the people acting in the Assembly. What testimony did he give? He had that unique position which only a man in his position could have to be able to speak on this point. And what does he say? He says that there has been co-operation and that the people are entitled to more responsible powers. That is his verdict about it. It is a fact that so far as the Assembly is concerned there has been co-operation and it is based upon the most unimpeachable evidence, the most trustworthy evidence, evidence which cannot be assailed. What more do you want? Do you expect that the time should come when this country will from one end to the other cry 'there is co-operation and nothing but co-operation.'' Can a state of things like that ever exist in any country in the world? Where self-governing institutions have been working for generations and centuries there are people who will always oppose the manner and method of administration, and you cannot expect that there should be one voice acclaiming your actions. These are the two tests that were put forward by the Secretary of State, and I claim and very strongly claim that these two tests have been fulfilled. If you go on talking of non-co-operation, as I said before, time will never come when you will have the cry of co-operation from one end of the country to another and to attain that stage you will have to wait till eternity. This

country like any other country can never be of one mind from one end to the other, except perhaps when there is war or there is some heavenly calamity when people must sink their differences.

There is one thing more which I wish to bring to the notice of the House. If there is any unanimity to-day on any topic in this country between all people, between all associations, between all bodies of people it is on this Resolution that the pace of progress should be accelerated. The All-India Muslim League is of that view. The Liberal Federation is of that view. Of course I do not know how far the talk of my friends the Swarajists about being the keepers of the conscience of the Indian nation is right, and how far the proceedings of the Indian National Congress are approved by the people at large, and the politically minded people; but I can very safely say this much and I do not exaggerate the statement at all when I say that the whole country from one end to the other is united on this question as it was never united before. With these few words I support the Resolution.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): I will not detain the House to-day for more than ten minutes. I consider that on the whole the discussion has been going off the rails latterly. The question is a very simple one. We should confine ourselves within the four corners of the Act and find out how far the Resolution which my Honourable friend, Mr. Sethna, has brought forward is reasonable so far as the Act itself is concerned. I must first congratulate him on the very able way in which he put his own case, namely, that the Royal Commission could be brought forward a little earlier than it is put under the Act. But having said so much and having appreciated all that he said, and the method and manner, (the model manner in which he put the whole case before the House)—and also appreciated whatever fell from the Honourable the Home Member on this subject, I put this question to the House. Are we not going too fast? Are we going to have earlier this Commission, which is to examine the experience gained during the ten years from 1921 to 1931, before Parliament can be moved to consider how it may go further in the direction of the policy laid down by it in 1919? Are we going to have this Commission earlier than the date fixed by the Parliamentary Statute? We all know that from the very day the Act was passed there has been prevalent what you call discontent in some parts of the country and among some public bodies and individuals. But that was anticipated. It has always been so on the introduction of a new constitution. Whenever there is a reform, particularly of the constitution, what happens is this. While a vast majority wisely accept it a minority, more or less uniformly disaffected do not accept it. These consider that the constitution is not reformed because it is not reformed in the way *they* like it or in conformity with *their* views. We know as a matter of fact that long ago people agitated for a reform of the constitution in England. At that period they were not so educated as they are now; education then was in an elementary character. In 1832, when the first Reform Bill was passed, there was a good deal of agitation on the subject. The agitation was noisily and unprofitably carried on by the Chartists for some 16 years. And yet it was not till 1866 or 34 years later, that the second Reform Bill was passed by Parliament. Consider those 34 years and the five years that have passed here since the Act of 1919 came into operation. What are five years in the affairs of a nation? Time is a

[Sir Dinshaw Wacha.]

very important factor to test the real effect of a change. Who will venture to assert that they are adequate for a proper test? Consider what we have done in these five years. Practically nothing. I do not hesitate to say that for the first three years we have been only beginning to feel our way. After the first three years had passed and the Assembly was elected for a second time there was a great deal of agitation about adopting a policy of non-co-operation and later of a blind attempt at destruction of the Act. Violent wrangles were conspicuous instead of steadily working the Act in a reasonable way with a view to further progress. There was obstruction of a blind character leading to arrest which all sober-minded people, interested in the real progress and welfare of the country on constitutional lines, were very sorry to witness. That obstruction and arrest have not abated. They are still going on; and in the midst of such a deplorable impasse we are asked that the Royal Commission which under the Act should come in 1931, ought to be immediately appointed or considerably accelerated. I wish that Members who spoke in support of the proposal had taken pains to read, mark and digest the Preamble of the Act. I am afraid that during the last few years that the agitation is going on, those who have vociferated about it seem to have entirely forgotten the Preamble and given it complete go-bye as it was non-existent. The Preamble is the real key to the right understanding of the whole Act. Parliament in its supreme wisdom, after long and mature consideration and after the Joint Parliamentary Committee had made its report on the subject, passed the Bill. This Preamble on which immense thought was bestowed is so clear and is so relevant for a clear understanding that, Sir, you will allow me to read some extracts:

"Where it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India."

etc., etc., and further:

"whereas progress in giving effect to this policy can only be achieved by successive stages."

and further:

"whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility, etc."

I beg Honourable Members to consider and weigh this extract. And I ask them how is responsible government to progress? In the first place, the Government have faithfully put this Act into operation as an experiment in the full spirit of the Preamble just referred to for the first ten years to see how it has worked. Parliament has already provided the machinery which is so elastic, that it is susceptible to many an improvement. The Act has to be worked for ten years, so that the British people and the framers of the Act may fairly satisfy themselves how it has worked during the period laid down and how far responsible government can be safely conceded. Now, at the present moment I admit there is no responsible

government in its true sense. The framers of the Act themselves were aware that it must be so in the experimental stage. That was the very reason why dyarchy was first introduced. It was so introduced deliberately and of purpose in order that the British Parliament wanted the people of this country to learn how responsible government should be worked and eventually made a reality. In other words, to test the preliminary experiment how people elected for the various provincial Councils should become Ministers and how Ministers should take part in the administration of Government in the matter of transferred subjects and so on, and then form their own conclusion how far dyarchy had succeeded to enable them to concede the first proper medium of self-government. That is the aim and object at present, till 1929. But unfortunately, in the very beginning a section of the elected cried out, even before they had fully carried out the experiment that dyarchy was a "failure", that it could not be worked. In fact, dyarchy has never yet got a full and fair chance to be worked impartially. Dyarchy has been prejudged without a full and fair trial and at once condemned without making even the first honest attempt to work it in the spirit Parliament intended it should be worked. Now, Sir, Parliament sat for many months to bring this matter to a satisfactory conclusion. They appointed a Joint Parliamentary Committee, consisting of experienced Members of both Houses of Parliament. I mean Members of the House of Commons and the House of Lords. This Committee carefully went into the question. They attentively heard the several deputations of the Indian people who had gone there to submit their diverse suggestions. And it was after everything has been weighed and decided and put down in clear and unambiguous language in the Preamble that the final report was submitted to Parliament and Parliament after further mature discussion and consideration passed the Act. You now say that a Royal Commission should be appointed at once. Why should you do it? I ask my colleagues here assembled to say if the material which Parliament so sincerely wished to collect for purposes of test is there. If a Commission comes out now, it will have in the first instance to see if they have before them all the necessary material, that is, the accumulated experience of the first ten years on which to proceed, deliberate and arrive at their final recommendations? Have you been able to put before them that experience? We have I greatly fear not attempted to work the Government of India Act in the spirit Parliament earnestly wished. As I said, in the first three years, it was not very seriously tried, and in the last two years, there has been a hue and cry, ill-founded in my opinion raised in the country and a section of the Central Legislature has been agitating for a Royal Commission before the date fixed in the Act, and that without giving dyarchy that full and fair chance which was necessary as a condition precedent to further action. But nothing has been actually done so far to work the Act in a loyal and earnest spirit. Now, what is responsible government? You freely talk of responsible government, but what is it? Responsible government implies the existence of a strong element in the Legislature—a body of experienced persons who can tolerably well carry on the government of the country, and if such persons fail, whether other men of the Legislature could take their place and do so. Can we conscientiously say from our experience that there are persons enough in the Central Legislature here or in the other place, who can carry on responsible government in the way that the British administration has gone on for the last so many years? We have no such I say? Where are those persons who will carry on the government?

[Sir Dinshaw Wacha.]

I admit there are exceptions. Those are not enough. Then what is the use of talking about responsible government when we have hardly any such and when our experience is yet to be fully and fairly acquired. If we persist in going the wrong way we shall never be qualified. Therefore, before you get yourself really qualified, it is premature to agitate outside and inside the Legislature and bring forward Resolutions of this character demanding a Royal Commission or any other agency earlier than 1929. I fervently appeal to every Member of this Council to think seriously over the question without being carried away by the shibboleths and catchwords of the theatre and the market place. If those who cry aloud will calmly and dispassionately consider the question for themselves, if they think over the matter imperially, they will see that the Act provides fully what ought to be done. They should wait yet and meanwhile educate themselves and gain the experience wanted before demanding the Commission. In the matter of changing the constitution, we ought to wait and see how far we have ourselves proved fit and worthy; we have to show to the Government and Parliament that we are fit to receive a further instalment of reforms in the right direction. It is only after working the Act for the stipulated period in a manner to satisfy Parliament we should go forward and demand further reforms. But what have we done here? Can we conscientiously declare that we have worked the Act in a proper and impartial spirit? On the other hand, a hue and cry has been irrationally raised all over the country that the Act is unworkable. Perhaps some leaders manufacture opinions on their own workshop and a slavish press under their instructions and other so-called public bodies cry out in the name of "the people" and "the country." They cry out in the name of the people and the country and shout "the country, the people." But what is the country, who are the people, I should like to know? The majority of the people of this country, say nearly 80 per cent., are illiterate, they are steeped in ignorance, are credulous and know nothing about the constitution or reforms. They look to the educated classes for their guidance in all such matters. But what have the educated classes who are really a microscopic minority done? They have hardly worked the Act in its spirit and have condemned dyarchy outright and the Reforms from the very beginning, without even showing a desire honestly to try them in a proper and right spirit. They say that the constitution should be changed, that the Government should be handed over to the people, that Government have not kept their promises and so on. I am, Sir, very indignant with that section of my own countrymen who ought to know better and express gratitude to the generous British Government for all the inestimable boons that they have conferred on the people of this country. I repeat, I am very indignant with them, because they have miserably failed to appreciate the numerous blessings which British rule has conferred on them. Instead of gratefully accepting the reforms in the spirit in which they are bestowed, instead of working the Act in a right spirit and trying the experiment in the way it ought to be tried, they condemn the reforms and even question the motives of Government and create unnecessary unrest in the country. Sir, I strongly deprecate this action of a section of my countrymen. That is not the attitude for a practical people to adopt. We want to build up a national spirit. But is that the way to build it? I say no. A nation can never be built in that way. Everything

must take time. We must go forward step by step. You cannot jump up to the top of a hill all at once, you can only climb up step by step. Therefore, we must proceed slowly, gradually and cautiously. That is the proper way to reset the scale of nations. Now, what are we doing here? There is a superficial cry raised by some one that the reforms are unworkable, that they will do no good to the country. One man takes up the cry and everybody sheeplike follows it. That is not the way. Now, what does this Resolution ask for? It says that a Royal Commission should be appointed forthwith to inquire and investigate into the question of reforms. Well, we all want a Royal Commission. But has the time come for it yet? Have we prepared the ground and the necessary material to be placed before it? Has dyarchy been worked for the last five years in the spirit so well contemplated by the framers of the Act? Have we got anything substantial to show, assuming that a Royal Commission comes out now? We have done next to nothing, to my mind, to justify our demanding a Royal Commission at present. Facts will have to be put before a Royal Commission, so that they may see how far we have worked the Act, how much experience we have gained, and what real, well-founded defects have to be remedied. I may say that the same phenomenon now witnessed occurred during Lord Ripon's administration in 1882 when he first courageously introduced local self-government in this country. At that time there was not enough material, nor was there a proper machinery, but it was introduced slowly in different places and then was gradually extended. But in the present case there is the full machinery ready provided. The seed has been sown. It has to germinate, it needs some time to grow. It takes time. But without waiting for a time, and without looking after it and watering it properly, you want a tree to spring up all at once. Is that the way that a gardener takes care to nurse a plant and bring it up? He sows the seed, he waters it daily and looks after it tenderly, and then it germinates and steadily grows up. The same process has to be adopted for the new constitution. The seed has been sown by the British Government, but you the gardeners would not allow it to germinate; you want to see the tree rise to its full growth all at once. It is indeed monstrous to expect anything of that kind. It is so unnatural. I do not consider that a nation which aspires to be practical can go on in this way. You have to work the Act in a practical way. Now, I would ask my Honourable friend Mr. Sethna, who is endowed with good and sound common sense, I would also ask all my other friends in this House, are they going to advance? They must bear in mind that as practical politicians that this colossal work of reforms cannot be carried on, whether in this House or in the other, by sudden jerks and jumps. No. It can only be worked step by step. We should prove by our exertions, by our independence and by our practical common sense that we are worthy of further advance and that we are prepared to take responsible government. Therefore, I would appeal to my Honourable friend Mr. Sethna to withdraw this Resolution and wait for another three years and accumulate all the proofs that we are duly prepared and qualified. Parliament by itself will then appoint a Statutory Commission. When that Commission comes out, you can put all the evidence, all the materials, before it, to enable it to arrive at a satisfactory conclusion. But this is not the time to ask for a Royal Commission. I will not further enlarge on this subject and take up the time of the House, but I do again appeal with all the earnestness at my command to all my friends here—I am not speaking with any indignation or in anger or wrath, I am speaking from a practical point of view, as a practical man with my

[Sir Dinshaw Wacha.]

fifty years' experience in public life,—that this is not the way to go on if you really wish to have a constitution which will enable you to go forward step by step till you reach the goal of your aspiration. I repeat, wait till 1929, work the Act meanwhile in a proper and impartial spirit, prove by your sincerity and industry, that you are deserving and worthy of receiving larger responsibilities. As I said before, what have you hitherto done? What substantial materials are there for you to put before a Commission even if one comes out now? Remember, Parliament is a wise body. There are very many sagacious and experienced men in the British Parliament. When they gave us the boon of a reformed constitution, they really wished to do good to India; but of course they wanted us to proceed slowly and cautiously. That is the reason why they have deliberately fixed a period of ten years in the Act. But before we have really and fully worked the Act in the way wanted we are trying to jump to the top of the ladder all at once. How is that possible? Sir, I will not say more. But I would only again appeal to my Honourable friend Mr. Sethna and to my other friends here to think imperially and in a broadminded way. They should consider seriously the effect of making a demand now for a Royal Commission, before they agree to the Resolution of my Honourable friend Mr. Sethna.

THE HONOURABLE MR. PHIROZE C. SETHNA: Sir, as the House is aware, the discussion on this motion was originally fixed for the 15th of this month. But to suit the convenience of the Honourable the Home Member, the date was transferred to to-day, the 18th. This fact evidently got into the Press and also the reason for the transfer of the date, and I may take the House into my confidence and tell them that I received more than half a dozen messages from different parts of the country expressing the hope that because the Honourable the Home Member had chosen to be personally present in the Council of State that I might surely rely upon my Resolution being accepted *in toto* or at least my receiving a very satisfactory reply. I may assure the House I was not hasty enough to acknowledge those congratulations in anticipation, and I now find that I shall have to await their condolences.

Sir, the Honourable the Home Member is a personal friend of mine, and he has been pleased to refer to me in very kind terms, but he would have been kinder still if he had met me to some extent. As it is, his speech carries us no forrader. We understood the speech of His Excellency the Viceroy to mean that a Royal Commission would be granted at a date earlier than the date laid down in the Act provided certain conditions were fulfilled. I made out a case that the conditions were being fulfilled. The Honourable the Home Member thinks otherwise, and unfortunately for me, and fortunately for him, the two very contradictory speeches of two Honourable Members of this House who belong to the Swaraj Party . . . .

THE HONOURABLE MR. V. RAMADAS PANTULU: Question?

THE HONOURABLE MR. PHIROZE C. SETHNA: . . . . has perhaps strengthened his hands. May I know what " questioned "?

THE HONOURABLE MR. V. RAMADAS PANTULU: They are not contradictory.

THE HONOURABLE MR. PHIROZE C. SETHNA: I still say that they are contradictory. I think I need not enlarge upon this because the Honourable the Home Member has proved this conclusively. But, Sir, the

Honourable the Home Member took me to task for saying that the Swaraj Party was on the brain of the Government, and he said that it was not so. I am glad to hear it. He said that it is not the Party but the influence of the Party that he has been considering. I hope the Honourable the Home Member is aware that the Swaraj Party to-day is not as strong in numbers or perhaps as strong in influence as it was even a little while ago (*The Honourable Seth Govind Das*: " Question ".) I will answer that " question ".

In India, as elsewhere, the municipal elections are an index showing the way the wind blows, and I think we may take the result of the recent municipal elections in the city of Bombay . . . .

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: What about Madras?

THE HONOURABLE MR. PHIROZE C. SETHNA: . . . . as an index of the elections for the Assembly next November, and I think the Honourable the Home Member will find that there will not be as large a phalanx of Swarajist Members in the other House to oppose him. The municipal elections in the city of Bombay were held on the first of this month. There were 76 seats. Three years ago, of these 76 seats, I believe as many as 40 were captured by members who labelled themselves Swarajists. That number had dwindled down this year to only 27. That shows how the wind blows. Take again another election, the result of which we have heard this very day. I mean the return of a Member by the Bombay University in place of Mr. Jayakar, who was at one time a Swarajist, the leader of his party in the Bombay Council, but has now severed his connection. He did not want to continue in the Bombay Council under the Swarajist ticket and so his seat was contested by Dr. Paranjpye and Dr. Deshmukh. Dr. Deshmukh was a Swarajist candidate and the voting, I understand, was 1,254 for Dr. Paranjpye and 1,036 for Dr. Deshmukh. I hope, therefore, that the Honourable the Home Member will, as I said this morning, not make the other parties suffer because of the Swarajist Party, and that is exactly what he and the Government are doing, and that is my grievance.

The Honourable the Home Member referred to what I regard more as a technical point. Not being a lawyer, I will not take it upon myself to answer it. I think my friends the Honourable Mr. Khaparde and the Honourable Mr. Alay Nabi have dealt with the interpretation of section 84A of the Government of India Act. I put before him the layman's point of view. Has it not been suggested time after time that the date of the Royal Commission can be brought nearer and no legal or technical objection has been taken before now? It is only in furtherance of that view that I have asked for the immediate appointment of the Royal Commission. I said in my speech this morning that Government themselves had observed that there is no legal bar to the statutory period being lowered from 10 years to a shorter period. Perhaps my Honourable friend the Home Member means that under section 84A as drafted, it is perfectly open to the Commission either to suggest an advance or perhaps even a set-back, whereas my Resolution, as he used the words, has a pre-determined issue for an advance. May I ask the Honourable the Home Member, does he or does any one of the Government Benches say or does any one here or elsewhere contemplate for a moment that no matter what action the Swarajists may be responsible for, the hands of the

[Mr. Phiroze C. Sethna.]

clock are going to be set back, whether the Royal Commission is held in 1929 or in 1926? That, Sir, to my mind is a clear impossibility, no matter what the Government Benches may say. I think the Honourable Sir Alexander Muddiman put my view of the case very clearly before the House when he said that perhaps my view was that in my opinion and in the opinion of those who agree with me, we have advanced so far and we have co-operated generally so well that we think that a Royal Commission, if we are allowed to place our case before it, would most undoubtedly favour an advance in the constitutional reforms. If, on the other hand, they thought otherwise, they might say, "Let there be a stand-still for some years longer." That certainly is my view, if my Honourable friend Sir Alexander has interpreted it in that way. My Honourable friend has himself admitted,—no matter what my friend Mr. Ramadas Pantulu may now say, that the Swarajist attitude has changed. The Honourable Mr. Ramadas Pantulu said that there has been no change since the Simla Session in September last, but the Honourable the Home Member, who has better opportunities of knowing what is happening all over the country, has told us that Bills have been considered on their own merits and passed. I presume from that that he means that they have been passed with the help and support of the Swarajist Members of the different Councils.

THE HONOURABLE MR. V. RAMADAS PANTULU: Even before September.

THE HONOURABLE MR. PHIROZE C. SETHNA: I think I heard the Honourable the Home Member say later than September.

However, what I would like to urge is this. The Honourable Sir Alexander Muddiman, in referring to the Honourable Mr. Ramadas Pantulu's speech observed that he himself and Mr. Ramadas Pantulu were here by the "decree of Parliament." We do not deny that for a moment. But what is meant by the decree of Parliament? What do the British people know of India when you do not get even a quorum to listen to the Indian Budget debate in the House of Commons? It is the Government of India which dictates to Parliament, or suggests to Parliament what they should do. Therefore, Sir, there is no use telling us time after time—even His Excellency the Viceroy has repeated it—that Parliament will do this and Parliament will do that. If the Government of India are disposed to do it, Parliament will simply follow what the Government of India ask them to do, and if the Government of India choose to enhance the constitutional reforms, they can do so to-day. The Government of India have always had and have some very good friends amongst the Indians. I propose to quote a few lines from a speech made as far back as 25 or 30 years ago by an eminent Indian on the Bombay side, the late Justice Govind Mahadev Ranade. He said:

"There can be no question that a nation of 250 millions can ever be permanently held down by sheer force and sooner or later in God's providence, and under the encouragement of the British example and discipline the people of this country must rise to the status of self-government and learn to control their own affairs in subordinate alliance with England. The transfer of power is inevitable."

That is the point. But that transfer is so slow, is very very slow, and that is our complaint. It ought to be hastened and it has not been hastened for some time. I think the proverb "bis dat qui cito

dat" is as true to-day as when it was first written centuries ago; and I would appeal to the Government of India not to do things grudgingly as they have all along done or do them only when they are coerced into it. Let me respectfully appeal to them and tell them that if they do so cheerfully it will be very greatly esteemed and promote a better understanding between England and India. There is one fault which I have always found and the history of this country will show that England—when I say England I mean the Government of India advising England—is always slow and only does things when it is compelled to. Sir, I would ask my English friends to look to their own history. I do not propose to quote chapters from that history myself, but I will read to you a paragraph, very pregnant with meaning from a book published only a few months ago known as "The Other Side of the Medal," the author of which is Mr. Edward Thompson. He refers to the trouble in India and says:

> "I spoke of a struggle which is at its commencement. Yet may we not ask, need there be a struggle at all? Having chosen in the case of South Africa the wisest and most magnanimous course of action that ever showed a nation's greatness—having at long last the promise of friendship with Ireland, and, through that finish of old enmity, with the United States, having long ago passed safely through the dangerous stages of our relations with Canada and Australia and New Zealand—can we not settle this latest of our great imperial problems also? Or, if there must be a struggle before there is peace, need it be embittered?"

I repeat my appeal: do not allow the struggle to be embittered, give what you can, give it soon and give it graciously.

Sir, just one remark in regard to what fell from the Honourable Sir Bijay Chand Mahtab, the Maharaja of Burdwan. He seemed to think, as far as I understood him, that because the people of India are divided into four groups or parties, the Anarchists, the Swarajists, the Nationalists or Independents, and the Moderates, if there is a constitutional advance it will mean that vested interests will suffer and that there will be Bolshevism or greater Bolshevism in the country.

THE HONOURABLE SIR BIJAY CHAND MAHTAB, MAHARAJADHIRAJA BAHADUR OF BURDWAN: I am afraid that here again the Honourable Member is at fault. I tried to analyse the different parties in India at the present moment and I tried to make out what those parties thought of the British Government in India. Then I went on to define the difficulties. Among those difficulties I pointed out vested interests. I did not say that vested interests would suffer either at the hands of the Bolshevists or anybody else.

THE HONOURABLE MR. PHIROZE C. SETHNA: With all deference to my learned friend, what other conclusion could I myself or the House draw from that statement which he made first and which he has now repeated? The only presumption is that if a further constitutional advance is granted vested interests will suffer. I must be very dense if I have not understood him aright. However, I will tell him that if further constitutional advance is not granted, Bolshevism will come into the land perforce; you are inviting Bolshevism by not granting further constitutional advance and you have to thank yourselves for it. That is my reply to the Honourable Member and to the Government Benches.

In conclusion, Sir, a request has fallen from my Honourable friend the Maharaja of Burdwan, as also from my revered and patriarchal friend the Honourable Sir Dinshaw Wacha, and of course from the Honourable the Home Member that I should withdraw this Resolution. I see no reason for doing so. I do not mind the fate of the Resolution. But whilst I do

[Mr. Phiroze C. Sethna.]

not accept their advice in this respect I want to pay a compliment to the Honourable the Maharaja of Burdwan by accepting the recipe which he has prescribed on the recommendation of his friend from the Punjab who told him that the English will never give unless you go on hammering away, and I therefore propose to go on hammering away until the Royal Commission is appointed earlier than the date fixed in the Act.

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member): Sir, the hour is late and the House, I am sure, feels somewhat exhausted. I will not therefore detain it at any great length. But there are one or two observations which appear to me to be necessary in view of the course of the debate. Now, Sir, I had a sort of feeling when I heard my Honourable friend replying that he had slightly misconceived my previous speech. I think he may have thought that I had not been as generous and as fair as I might have been to that part of the Indian community which has endeavoured in spite of great discouragement, in spite of considerable obloquy, to work the reforms. I desire to acknowledge the greatness of their services, not to the Government but to their country. I desire to say that it is on those lines that India will advance. My Honourable friend told me with some pride that his party has been victorious in certain municipal elections. (*The Honourable Mr. Phiroze C. Sethna*: "I did."). I trust it may continue to be victorious—I mean any party that desires to work with the Government. (*The Honourable Mr. Phiroze C. Sethna*: "Thank you, Sir."). But let me say a word to him. It was said, and I assented at any rate by gesture to that proposition, that India is sound at heart. Sir, I believe India to be quite sound at heart but India is inarticulate, largely inarticulate, and it is only by the efforts of those like my Honourable friend who believe in constitutional advance on the lines laid down in Parliament that an informed public opinion will be created in India. I trust it will not be from any apathy on the part of men of light and learning of his way of feeling that that position is not brought home to the inarticulate masses of India. I would ask him before he prides himself too greatly on the result of certain municipal elections to carry his campaign further, to spread his banner more widely and seek and find new fields of victory.

Then, Sir, if I understood my Honourable friend aright he seemed to think that I was contending there is some legal bar to the appointment of his Committee. I noticed he did not meet my point at all, that his Commission is a very different Commission from the Commission contemplated by the Government of India Act, because he presumes—I again repeat with all deference—presumes the conclusions and prejudges the issue at stake. I am not endeavouring to construe the terms of the Resolution in any narrow legal sense, as my other Honourable friend over there seemed to think. I take it in the ordinary meaning of the language.

And as to the advancement of the date of the Statutory Commission I never suggested, I have not suggested and it has never been suggested, that there was any legal difficulty in the way. The method of acceleration has been clearly stated on many occasions. I again restate it. It is co-operation. Now, I quite understand this House feeling that to repeat this word in a parrot-like way is to give no real answer. But co-operation is not a word. It is a continued and steady course of conduct. If every Member of this House and in every Legislature in India stood on his legs and shouted "We co-operate", that would have no effect on my mind at all. It is by a

steady course of conduct that facts are established. It has been said that co-operation has been received to a considerable extent. I will not deny that in certain quarters it has been received. I acknowledge thankfully on the part of Government the co-operation that has consistently and steadily been extended to the Government by the first Council of State, and which I am perfectly sure will continue to be extended by the present House. I acknowledge that. There are other instances undoubtedly; and the atmosphere is getting better. I hope so and I hope it may continue. I look to my Honourable friend to produce that result by his own efforts and by the efforts of those that think with him. I will not enter into the difficult intricacies of some parties with which I am not fully acquainted lest I tread on delicate ground. I trust soon that all parties may have at any rate one view and that is that they will work the existing constitution for all it is worth; and when that comes about, then my Honourable friend will move his Resolution in a happier time. I regret therefore I am still unable to accept the Resolution moved by my Honourable friend, and I trust that in spite of what he has said he will follow, as I know he wishes to do, the ways of peace and accept the advice of one who is older than himself who sits in front of him, and withdraw his Resolution.

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

"This Council recommends to the Governor General in Council to urge upon His Majesty's Government the appointment forthwith of a Royal Commission to investigate and inquire into the working of the present Indian constitution and to formulate a scheme for the establishment of responsible government in India."

The motion was negatived.

ELECTION OF PANELS FOR STANDING COMMITTEES.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, as the hour is late and the House has spent the whole day debating an issue of the very first importance I will not detain them longer in making this motion, though the matter is one of very considerable importance. I move, therefore:

"That this Council do proceed to elect in the manner described in the rules published in the Home Department notification No. F. 49, dated the 22nd August, 1922, as amended by the Home Department notification No. D.-794, C., dated the 30th January, 1924, 4 panels consisting of 6 members each, from which the members of the 4 Standing Committees to advise on subjects in the Home Department, the Department of Commerce, the Department of Education, Health and Lands and the Department of Industries and Labour respectively will be nominated."

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Saturday, the 20th February, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

SATURDAY, 20th FEBRUARY, 1926

Vol. VII—No. 7

OFFICIAL REPORT

CONTENTS

Questions and Answers.
Nominations to the Panels for Standing Committees.
Bills passed by the Legislative Assembly laid on the Table.
General discussion of the Railway Budget.
Statement of Business.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE

Saturday, 20th February, 1926.

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

QUESTIONS AND ANSWERS.

ACTION TAKEN ON THE RESOLUTION PASSED BY THE COUNCIL OF STATE ON THE RECOMMENDATIONS OF THE MAJORITY REPORT OF THE REFORMS INQUIRY COMMITTEE.

100. THE HONOURABLE MR. K. C. ROY: Will the Government be pleased to state what action, if any, has been taken on the Resolution passed by the Council of State on the recommendations of the majority report of the Reforms Inquiry Committee on the 11th September, 1925?

THE HONOURABLE MR. J. CRERAR: Recommendations Nos. 6 and 14 are pending before the Legislative Assembly.

Recommendations Nos. 12, 13 and 24 (*c*) have already been given effect to.

On other recommendations, Local Governments have been consulted and their replies have been received and are receiving due attention. In the case of certain recommendations, the Government of India have made their final proposals to the Secretary of State and his decision is awaited.

THE HONOURABLE MR. K. C. ROY: Is the Honourable the Home Secretary in a position to state whether His Majesty's Government will be able to undertake legislation on the majority report of the Reforms Committee this summer?

THE HONOURABLE MR. J. CRERAR: I regret that I am not in a position to make a statement on that point.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE GOVERNMENT OF INDIA ON THE RESOLUTION PASSED BY THE COUNCIL OF STATE ON THE RECOMMENDATIONS OF THE MAJORITY REPORT OF THE REFORMS INQUIRY COMMITTEE.

101. THE HONOURABLE MR. K. C. ROY: Will the Government be pleased to lay on the table any correspondence that passed between them and the Secretary of State on that Resolution of the 11th September last?

THE HONOURABLE MR. J. CRERAR: Government regret they are unable to accede to the request of the Honourable Member.

ACTION TAKEN ON THE RESOLUTION ADOPTED BY THE INDIAN LEGISLATURE ON THE RECOMMENDATIONS OF THE MAJORITY REPORT OF THE REFORMS INQUIRY COMMITTEE.

102. THE HONOURABLE MR. K. C. ROY: With reference to the speech of His Excellency the Viceroy to the Council of State on the 17th September last, when he said: "The Resolution on Reforms proposed by the Government and accepted by this Chamber will be duly considered by my Government, together with the amendment carried by the Legislative Assembly. The conclusions of the Indian Legislature must be considered as a whole," will Government be pleased to state what action, if any, has been taken to give effect to that assurance?

THE HONOURABLE MR. J. CRERAR: As the Honourable Member will have observed from the statement made by the Honourable the Home Member on Thursday, the Government of India, having carefully considered the result of the debates in both Chambers, have decided to adhere to the terms of the Resolution accepted by this Council.

INCREASE OF THE GRANT TO THE BOSE RESEARCH INSTITUTE, CALCUTTA.

103. THE HONOURABLE MR. K. C. ROY: Will the Government be pleased to lay on the table all correspondence, including the report of Mr. Littlehailes, relative to the increase of the grant made to the Bose Research Institute, Calcutta?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Government are unable to accede to the request, but the attention of the Honourable Member is invited to pages 189-190 (Volume V—No. 4) of the proceedings of the meeting of the Standing Finance Committee held on the 12th January, 1926, where a summary of the correspondence will be found.

THE HONOURABLE MR. V. RAMADAS PANTULU: Is it a fact that the Government of India consider Mr. Littlehailes' deputation sufficient authority to report upon the Bose Institute which attracted the notice and secured the approbation of European scientific authorities?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: He was their educational adviser, and the Government of India considered him a sufficient authority to investigate into the matter.

DEPUTATION OF MR. LITTLEHAILES TO INSPECT THE BOSE RESEARCH INSTITUTE, CALCUTTA.

104. THE HONOURABLE MR. K. C. ROY: Will the Government be pleased to state whether Sir J. C. Bose was consulted as to the deputation of Mr. Littlehailes to inspect the Institute and whether he agreed to it?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The answer is in the affirmative.

THE HONOURABLE MR. K. C. ROY: Is the Honourable Member aware that a considerable amount of dissatisfaction exists because there is no official scientific body to report upon an institute of this sort, and will the Honourable Member consider the advisability of revising the old board of scientific advice?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: As regards the former part of the question, I do not think, Sir, I am aware of it. As regards the latter part, I will note the suggestion.

GRIEVANCES OF POSTMASTERS.

105. THE HONOURABLE MR. G. S. KHAPARDE: (*a*) With reference to No. 15-P. T., of 5th December, 1925, from the Secretary to the Government of India to the Honourable Mr. Chandradhar Barooah of Jorhat, Assam, will the Government be pleased to state whether any decision has been reached with regard to the grievances of Postmasters?

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to state what the decision is?

THE HONOURABLE MR. A. H. LEY: A decision has not yet been reached. The points raised by the Honourable Mr. Barooah are being examined by the Director General, who expects shortly to forward his views to the Government of India.

SCHOLARSHIPS FOR TRAINING IN THE LEATHER INDUSTRY.

106. THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Will the Government of India be pleased to state:

(i) how many students have since the end of the war been sent to England on Government scholarships for qualifying themselves in the leather industry;

(ii) whether one of the terms of the scholarship is that qualified students should return to India so that their expert knowledge may be utilized in this country;

(iii) how many have since qualified themselves in that industry and what was the amount spent on each;

(iv) whether all the qualified men in the leather industry are employed either under Government or private companies;

(v) if not, what steps have the Government of India taken to provide such of them as are yet unemployed with suitable appointments;

(vi) whether students are still being sent annually to England on Government scholarships for qualifying themselves in the leather industry and, if so, how many every year; and

(vii) if it is not possible to provide all the trained men in the leather industry with suitable employment in this country, whether the Government of India will consider the desirability of putting a stop to further recruitment at Government expense?

THE HONOURABLE MR. A. H. LEY: (i) I may remind the Honourable Member that the State Technical Scholarships were provincialised with effect from 1918. The Government of India can only sanction such scholarships from central revenues where the technical education relates to a central subject or where a scholarship is granted to students residing in areas under the minor Local Governments. No scholarship for training in the leather industry has been awarded by the Government of India since the war. The remaining parts of the question do not therefore arise, so far as the Government of India are concerned.

NOMINATIONS TO THE PANELS FOR STANDING COMMITTEES.

THE HONOURABLE THE PRESIDENT: With reference to the motion adopted by the Council on Thursday last, I have to announce to the House that nominations to the panels for the Standing Committees to advise on subjects in the Home Department, the Department of Commerce, the Department of Education, Health and Lands, and the Department of Industries and Labour will be received by the Secretary up till 12 noon on Thursday next, and that, in the event of an election being necessary, the election will be held on Monday, the 1st March.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

THE SECRETARY OF THE COUNCIL: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill further to amend the Code of Civil Procedure, 1908; a Bill further to amend the Legal Practitioners Act, 1879; a Bill to provide for the validation of certain promissory notes; and a Bill further to amend the Indian Registration Act, 1908, which Bills were passed by the Legislative Assembly at its meetings held on the 18th and 19th February, 1926.

GENERAL DISCUSSION OF THE RAILWAY BUDGET.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to the first stage, that is the general discussion of the Budget, Part I.

THE HONOURABLE MR J. W. A. BELL (Bengal Chamber of Commerce): Sir, in submitting the Railway Budget to this House on Thursday my friend, the Honourable Sir Clement Hindley, asked for the same consideration in criticism as had been shown by the previous Council of State. I have no doubt that, when he made that request, my Honourable friend was fairly certain, both in view of the satisfactory nature of the statement which he was about to put before the House, and in view of his knowledge of the Members of this Council, that it was unlikely that there would be any criticism, unless criticism of a friendly nature. But my Honourable friend is a cautious man and he was taking no risks. He therefore arranged matters so that it was very unlikely that there would be any serious criticism at all. He handed us the Budget documents, 19 in number, on Thursday, and it was announced that the general discussion would take place to-day. On Thursday afternoon this House sat until six o'clock, although I must admit that that was a contingency which my Honourable friend may not have anticipated. But at any rate we had to sit till six o'clock, and that means that there was only left one day in which to study these nineteen volumes containing as they do masses of statistics and figures. I do not think it is possible for any one in the course of that part of one day which it is possible to devote to their study, to grasp the meaning of all these figures and all these statistics. I hope that in future Government may find it possible to allow a longer period to elapse between the time in which the Railway Budget is presented and the date on which it is discussed.

But even a cursory examination of the Budget makes it clear that the country has reason to be well satisfied with the position of the Railways and with the manner in which they are administered.

I need hardly refer to the question of the separation of the Railway finances from the general finances of the country. The advantages are so obvious that they practically require no explanation. And now that these advantages have been recognised, even by those who were very strongly opposed to any change, the general feeling seems to be one of surprise that the method now in force was not adopted at an earlier date.

It is not possible in the time at my disposal to deal with all the points raised in my Honourable friend's speech, and I shall therefore confine myself to one or two.

I note with satisfaction, not only the substantial balance of earnings over disbursements, but also that particular attention has been paid to the building up of Reserves and a Depreciation Fund. This is really one of the secrets of successful commercial management. There are many commercial concerns, both in India and at Home, which in this period of trade depression, would have ceased to exist, had it not been that, when times were better and profits were being earned, they rigorously wrote down their assets and built up substantial reserve funds.

The country will hear with pleasure of the proposed reductions in passenger fares and goods rates. These reductions will be for the benefit of the country and for the benefit of the people, and I hope that it will be possible for the Railway Board to maintain them. At the same time, I trust that the Railway Board will not allow themselves, by any pressure from any source, to be diverted from their policy of building up substantial Reserve and Depreciation Funds to carry them over when times are less favourable. Reductions in fares and rates are very important, but they are not so important as the building up of the Railways of the country on a sound and unassailable financial basis.

I was glad to hear from my Honourable friend's speech that the Railway Board were keeping before them the recommendations of the Coal Committee with regard to a further rebate on export coal, and, subject to what I have said with regard to Depreciation and Reserves, I trust that it will be possible for the Railway Board to grant this assistance to the coal industry of India which is at the present time passing through a period of acute depression. It will be money well spent, because a flourishing coal industry will be a source of great profit to the Railways.

With regard to capital expenditure, it is gratifying to notice the provision made for the remodelling of marshalling yards and the improvement of workshops. It is difficult to overestimate the importance of these two items in the building up of an efficient railway service. The provision for strengthening bridges is of greater moment than is apparent at first sight. Speed is an essential element, and one of the handicaps in this direction with which the Railways have to contend is the loss of time in crossing bridges not constructed strongly enough to carry modern trains and modern locomotives. But I welcome this announcement also, because it gives me an opportunity of addressing my Honourable friend on another subject. If he will allow me when next he is in Calcutta, I will show him a bridge,—I will not tell him the name of the bridge at the moment,—which requires not only strengthening but rebuilding. It forms one of

[Mr. J. W. A. Bell.]

the most serious traffic problems of Calcutta, and the assistance of Government in the matter is urgently required. Attempts have previously been made to enlist the sympathy of my Honourable friend in this subject, but I am sorry to say that these attempts have not been successful. But I propose to adopt the tactics of my Honourable friend Mr. Sethna and the Honourable Mr. Ramadas Pantulu and keep hammering away my Honourable friend on this subject, in the hope that some day he will yield to my importunity.

Another problem of great importance to the city to which I belong is the Calcutta electrification scheme. I trust that the report of the engineers to which my Honourable friend has referred, will be expedited as the question of providing suburban accommodation for the city workers of Calcutta is becoming a very urgent and acute one, and nothing much can be really done until some definite scheme is adopted for transportation between the city and its suburbs.

I would repeat that the country has reason to be well satisfied with the position of the Railways, and what is disclosed in the budget statement confirms the feeling which the community I represent have always had, that, in the hands of the Commerce Department and of the Railway Board, the Railways of India are carefully and wisely administered in the best interests of the country. There is, of course, in the case of State-managed Railways always the danger of interference by the Legislature with the management. There is always the danger that in the making of appointments, in entering into contract, and in other matters, efficiency will be subordinated to political considerations. I trust that this country and in particular, this Council, will not countenance any such interference for it would mean the beginning of the end of the prosperity of the Railways.

THE HONOURABLE MR. MANMOHANDAS RAMJI VORA (Bombay: Non-Muhammadan): Sir, I join my Honourable friend the previous speaker in complaining that the time given to Members to study this Budget was too short, and I hope Government will see their way to give sufficient time to Members to consider this important Budget.

With regard to the prosperous Budget that is presented to us, we find that after providing for interest on capital and other expenditure, there remains a large surplus to be divided between central revenues and building up Reserves for the Railways. I welcome the apportionment of such huge sums from the profits. But one has got to remember that when the State undertakes to work any institution on commercial lines, the question of making more profits should be only a secondary consideration. I do not say that it should be worked at a loss, but the aim should be to have reasonable balances to cope with future requirements and contingencies and cover the cost of the concern, and then, whatever surplus may be left over should go towards the reduction of rates and fares. That should be the main object to be kept in view, and I hope due attention will in future be paid to that point.

Further, Sir, I see that there is great diversity between the recommendation of the Acworth Committee with regard to the appointment of a Rates Tribunal and the recent appointment of an Advisory Committee. Instead of the object recommended by the Acworth Committee being carried into effect, we see that an announcement has been made

that there is going to be an Advisory Committee. I want to draw the attention of Honourable Members to the fact that there is a great deal of difference between an Advisory Committee and a tribunal. A tribunal possesses certain powers, whereas an Advisory Committee can only advise, and the advice may be accepted or not. The authorities may take the advice into consideration or may reject it, whereas the action of a tribunal will have a certain effect. That is the difference between the two. I hope, if it is not too late even now, that this question will be considered.

Sir, during the limited time at my disposal, I am at a loss to understand why the working cost of the Great Indian Peninsula Railway which is now managed by Government, amounts to 69 per cent., whereas in Company-run lines it is less, *e.g.*, in the Madras and Southern Mahratta Railway it is 60·4 per cent. and in the case of the Bombay, Baroda and Central India Railway I think it is somewhere about 62 per cent. When the State works the Railways or any other commercial institution, there is always the danger of the expenses rising, and I hope that in future due attention will be paid to keep down the expenses and prove that the Government also can successfully run its undertakings on the same lines as the companies.

With these remarks I think that, on the whole, the separation of the Railway Budget from the General Budget has done very well.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I congratulate the Honourable Sir Charles Innes, Sir Clement Hindley and the other officers concerned on the sound financial position the Railway Administration has attained in recent years. After meeting the working expenses and the interest charges, the Railway Administration hopes to contribute to the general revenue of India a sum of 18·11 crores in the 3 years 1924-25 to 1926-27. In addition to this, we are told that the Railway Administration will build up a reserve of 12·53 crores during these 3 years. We now find that the Railway Administration includes in its working expenses something towards depreciation. It has now built up a Depreciation Fund out of which it can in future meets its expenditure on replacements and renewals. Even in this Depreciation Fund we are told there is now a surplus balance of 6·71 crores. All this shows that the financial position of our Indian Railways is now sufficiently strong.

The separation of the Railway Budget from the general revenue has guaranteed to the Indian Exchequer a certainty in revenues. The Secretary of State for India could therefore afford to give larger financial powers to the Railway Administration. It can now sanction works within much larger limits. I congratulate it on the grant of this larger autonomy. I welcome the attachment of a Forest Officer to the Railway Board for the purpose of advising it in the purchase of timber. The Railways ought to place their orders for stores with Indian firms to the full capacity of their output. But I would suggest in placing orders with firms in foreign countries, that tenders should be called for in rupees. If the tenders are called for in rupees, we can avoid a good deal of unnecessary expenditure due to uncertainty in exchange. It would be better if the Government prepare annually a statement showing the value of stores purchased in India and stores purchased in foreign countries. Such a statement should be presented to both Houses of the Indian Legislature along with the budget papers.

[Lala Ram Saran Das.]

I congratulate the Government on the improvements and betterments on the Railways. I would like the Government to provide quarters for their subordinate traffic staff in big towns as such staff cannot afford to pay the high rentals that now prevail. Bungalows for officers and quarters for senior subordinate staff have been provided but nothing much has so far been done for the junior subordinate staff in big towns.

I am sorry that the announcement of the Rates Tribunal has not been received well, as the Tribunal is only to advise in the matters that may be referred to it. I fully agree with what the Honourable Mr. Manmohandas Ramji has said in this connection. I hope the personnel of the Tribunal will be such as to have a majority of Indians on it and of such competent persons as are in close touch with the commerce and industry of our country.

I welcome the reductions announced in third class and higher class fares, but the public expects a further reduction in third class fares. Before the War there used to be special reduced rates of freight between certain stations where other means of transport stood in competition. Such rates were withdrawn after the War with the result that the Railway is losing the traffic in such cases. They lose revenue and the province is burdened on account of the extra traffic that is thrown on the metalled roads, which makes them to wear out abnormally.

It is a matter of pleasure to find a good start having been made in the construction of new railway lines. New railways help a great deal in the development of the country and the construction of say 1,000 miles a year as announced by the Chief Commissioner will be very much appreciated by the people being a boon to the country. His Excellency Sir Malcolm Hailey, who is very much interested in the development of the Punjab, is to be congratulated on getting a good many lines in his province sanctioned for this year.

It is gratifying to see that Government have been pleased to take favourable action on my Resolution adopted in this House last year on the reduction of coal freight and have made a reduction of 10 per cent. on the carriage of coal for long distances of 400 miles and over. I thank the Government for this but the Government should bring the rates of coal freight down to the pre-war level. When they can afford to sacrifice, about 40 lakhs of rupees in rebate in freight on coal for export, can they not sacrifice another Rs. 15 lakhs to bring the coal freights down by another 15 per cent.? More rebate is not justified on export coal yet. Reduction of railway freights on liquid fuel, petrol, mill and agricultural machinery and manure is very desirable.

I find, Sir, that Indians are very meagrely represented in the Traffic and Mechanical Departments of State Railways. In 1921 on the North Western Railway there were 22 Indians out of 220 in the Senior Subordinate Service of the Traffic Department. In 1925 there were 27 out of 237. There has been an advance of only from 10 per cent. to 11·4 per cent. in four years. For the same period on the East Indian Railway the proportion of Indians has progressed from 17 per cent. to 35·6 per cent. In the Eastern Bengal Railway it has increased from 9·2 per cent. to 17·5 per cent. It does appear that on the North Western Railway the proportion of Indians in the senior subordinate service is the smallest. I hope that the North Western Railway administration will pay greater attention to the Indianisation of the senior Subordinate Services in the Traffic Branch. When we

take the senior Subordinate Service in the Mechanical Branch we find that on the North Western Railway there are 10 Indians out of 312, hardly 3 per cent. on the Eastern Bengal Railway there were 9 Indians out of 142, that is a little more than 6 per cent. It thus appears that in the Mechanical Branch Indians are practically nowhere. I think Government ought to pay greater attention to the Indianisation of the Railway Services, especially in the Mechanical and Traffic Branches.

There is one other complaint from which the middle class Indian passengers suffer. There are very few important stations on which there are no waiting rooms for intermediate class passengers. I would draw the attention of the Government to this grievance. On big stations I would suggest that there ought to be separate windows in the booking offices for female passengers. This class of passengers at present experience great inconvenience in purchasing tickets. Sir, there is one other point in this connection to which I wish to draw the attention of the Railway Administration. On the roadside stations the supply of water is very inadequate. Besides the pointsmen and the sweeper there is only one waterman and the duties assigned to that waterman are taking line clears to the engine driver, taking out parcels from the parcel wagons, lowering the signals for the departure and arrival of trains and a good many other duties, and the result is that on these small road-side stations the water supply is not what it ought to be. I hope that the Railway Administrations will see their way to increase the water supply in those stations by some means or other.

Another important point which I bring to the notice of Government is the increase in thefts on the railway platforms on small roadside stations. Being a business man I travel widely and hear numerous complaints from passengers who have lost their belongings on the platforms owing to insufficient lighting. At night time one single lamp with a very low candle power is burning on such stations a few minutes before the arrival of the train. At some stations people from agricultural areas come there early to catch their night trains with the result that they have to wait for hours on the platforms and there being no light their bag and baggage are sometimes stolen. And these cases are now becoming frequent and so they necessitate my drawing the attention of the railway authorities to this important matter.

It was a great pleasure to find that for the training of Indians for the senior Subordinate Service in the Traffic Branch a school was opened at Chandausi in addition to another school which existed in Bengal. If I rightly understand, 10 station masters are selected every year from the North Western Railway and sent to this school for training. So far as my information goes, 80 station masters went there and passed the examinations and some of them attained very high percentages in pass marks which were in some cases over 90 per cent. It is a pity to find that out of these successfully trained station masters who passed very high in the Chandausi School none of them has so far got any promotion. Some time ago in this House a Resolution on the increase in the number of Traffic Inspectors in the Transportation Branch of the Traffic Department was adopted with a little amendment by the Government itself. So far as my information goes (because my question on the subject could not unfortunately elicit the information sought for) on the North Western Railway the number of Traffic Inspectors on the transportation side instead of having increased has since gone down, and in case I am wrong I hope my

[Lala Ram Saran Das.]

Honourable friend, Sir Clement Hindley will correct me. So far as I understand, there is only one permanent Traffic Inspector in the Transportation Branch on the North Western Railway, and that man has been occupying that post for the last 10 or 15 years. During the last few years a few station masters and clerks from offices were promoted to the rank of Traffic Inspector, Transportation. Out of the four that were appointed two have retired, one has died and the fourth was reverted. That man has now been appointed to officiate. Is it not a pity to find that, while the instructions of the Railway Board on this matter have been carried out by all other State Railways, I mean the Eastern Bengal Railway, the Oudh and Rohilkhand Railway, now the East Indian Railway, these instructions have not been carried out by the North Western Railway in this respect?

Another point to which I wish to draw the attention of the Government is the question of raised platforms. Now, as the revenues from Railways have increased we ought to have raised platforms, whether pucca or simply of earthwork, on railway stations. At present there are a large number of stations on which there is no platform and the womenfolk in particular find great difficulty in alighting from or entering into the railway carriages. In the case of women who were in the family way, there have been serious accidents due to the absence of these raised platforms. I wish to draw the serious attention of the railway authorities to this matter again.

I welcome the fact that on fast passenger trains the Railways have provided search-lights, but I hear that Engine Drivers feel some trouble with distant signals and home signals. When two trains are running on double lines, sometimes the drivers cannot very well see the distant and home signals with the result that they get confused. I hope that the Railway Administrations will soon do something in the matter in case this complaint is well-founded.

In the programme for the construction of new rolling stock I find that no provision has been made for any addition to the refreshment cars for Indian passengers. At present, Sir, on the North Western Railway there are only two Indian refreshment cars which run on that railway between Lahore and Delhi and in case one of these cars gets damaged the people have to be without it for some time. There was a case last year when one of the cars got damaged and it could not be replaced for some time and in the time tables and other circulars issued by the Railway there was no intimation given to the passengers so that they might learn that on certain days or during certain months there would be no refreshment cars running on the usual trains. I hope that Government will see their way to provide more Indian restaurant cars and also provide more Indian refreshment rooms.

Another point that I wish to bring to the notice of this House is the question of unemployment. Unemployment is certainly one of the chief causes of the unrest in the country. My proposal in this connection is that in the Mechanical Branch of the Railways, in case we can find say at least 50 posts for literate apprentices in the mechanical line—I mean the driving line—the people will feel very grateful. Now, a lot of Anglo-Indians are recruited in the 50-rupee grade every year as literate firemen. In case that is also liberally extended to Indians on a larger scale, the Railways will be able to get a better class of recruits who will subsequently prove much better Indian drivers than we have at present. In the work-

shops before the establishment of mechanical engineering colleges in various provinces the Railways used to recruit literate apprentices on certain terms. When these mechanical colleges were founded the recruitment of these literate apprentices was transferred to them. I understand that it is through them that Railways get their apprentices. There are rumours that those literate apprentices who were recruited some four years ago and who are likely to finish their courses for the fifth year term and who are likely to qualify soon will not be provided with any permanent posts. This is a matter for us to deplore. If I am wrong in this respect I hope that Sir Clement Hindley will put me right. We are thankful to Government for giving these boys the right training, but these boys have been given one certain line of training which does suit a big concern like the Railways but does not suit an ordinary factory owner. The ordinary factory owner requires an all-round mechanic. The training which has been given to these young boys is only on one machine. The person who has joined as a turner to-day will retire as a turner 30 years hence. But if these fellows who have been given training only in one line, are thrown out at the end of five years, I think their future will be spoilt. Therefore I request that all these apprentices who qualify themselves and who have been given proper training according to the railway requirements ought to be given permanent places at the end of their apprenticeship.

THE HONOURABLE THE PRESIDENT: I hope the Honourable Member will not take advantage of the fact that I have refrained from exercising my discretion to impose a time limit to speeches. I would remind him that only one day has been allotted and that there are probably many Honourable Members who are desirous to speak and that if every speech reaches the limit which the Honourable Member has already attained one day would not suffice, nor would two days, for the general discussion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I will soon bring my remarks to a close. One more point that I want to bring to the notice of this House is the question of the provision of automatic couplers on the broad gauge railways. This scheme, I imagine, is to cost about 20 crores of rupees, and I wish, Sir, that before this scheme is practically adopted it ought to be scrutinised by the greatest experts of the world. We have the sad experience of the Bombay Back Bay Reclamation Scheme and we do not want that another blunder should be committed for want of competent scrutiny.

One more point, Sir, and I have finished. That is the composition of the Advisory Committee of the various railways which is not quite satisfactory so far. I wish that the composition of Railway Advisory Committees should be such as they may discharge their duties most efficiently and usefully. What I mean is that commerce and industry is not sufficiently represented. The composition therefore needs revision.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): I congratulate the Member in charge of the Budget but there is always room for improvement. I will only offer a few suggestions as some of my suggestions have already been brought forward by previous speakers. So I would not repeat them. We all know the troubles of the third class passengers. They pay more into the railway exchequer and I think we should pay more attention to their comforts, especially when there are certain fairs. They may be minor ones about

[Sir Umar Hayat Khan.]

which the authorities do not know and inconvenience is caused. As to the intermediate class, now the Anglo-Indians and other classes claim that they ought to get service with Indians because they are Indians. So, I hope that the places which are set apart for them will in future not be so set apart because if they want service with us, they can easily sit with us also.

There is one other point which I have been thinking of bringing forward to-day. When a compartment has already four or five reserved seats one has to take the permission of the guard to allow a servant. If all these people agree to have some one to work for them and if the servant with a third class ticket could be allowed, it will be better in one way because in the third class there will be one man short. I think it would be very useful, especially if there were two passengers, say in the second or first class, and if they could both agree, they could have a man to look after their luggage at night. Then they could go to sleep Sometimes they have got fire-arms and money, etc., as we have heard the Honourable Rai Bahadur say; and either one of them will have to sit up all night and keep a watch, or they may be allowed to have a servant. If they have three or four servants travelling with them, it would be very convenient if they could have one of them in the compartment looking after their luggage, etc. This is the suggestion I want to put before the railway authorities, that when a compartment is already reserved, they should allow the servants to travel in that compartment without having to ask the guard. The same thing should be done in the case of the first class passengers also. As to the compartments proceeding towards Bombay and Baroda, there is a doorway leading from the servants' compartment to the first class compartment. That is very convenient, and I do hope that the North Western Railway also will follow that example, and that because of the presence of the words "North Western", as in the case of the North Western Province, arrangements should not be made as if everything was pointing to the north-west in the way of general backwardness.

The Honourable Rai Bahadur has spoken fully on the subject of the Indianization of the railway services. I think if graduates were allowed more positions, a good deal of the present agitation would grow less because they would get something to do.

Finally, I want to refer to the case of my own district, Sargodha, from which one has to travel about three times the distance in order to get to any point on three sides. Of course people in the capital of a province always raise their voice about their needs, but that does not mean that others have not their needs because they do not raise their voices so much. I hope that something will be done to construct a new line from Lahore to my part of the country.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, it is indeed a matter for gratification that, consequent on the separation of the Railway Finance from the General Revenues and the introduction of better and more economical methods of running the Railway Administrations, the railway property is now in a sound financial position. Although the Inchcape Committee put down the net return from the Railways to the State at 8½ crores per annum, the average net profit is

now considerably above the figure anticipated by the Committee. Apart from the efficiency of the administration, it must be admitted, that this result is also the outcome of the vigilance of the Legislative Assembly and the Standing Finance Committee on Railways and the proper check and scrutiny exercised by them over the Railway expenditure. Nevertheless, I consider that there is still larger scope for economy and retrenchment and for the prevention of leakage and wastage and the Railway Departments must set to work in this direction forthwith and not rest consent with their past success.

The first thing I would urge, for the earnest consideration of the Government, is the rapid Indianization of the Railway Services. The progress of Indianization would undoubtedly contribute to economy. Some measures are said to have been taken to accelerate Indianization but they are halting and the result so far is disappointing. Indians in the Superior Engineering and Revenue Establishment in State Railways are only about 23 per cent. of the total strength. There is no reason why the more educated classes of Indians should not fill the superior positions of Engineers and Assistant Engineers and also hold superior positions in the Traffic and Locomotive Departments. There is no doubt that the present high cost of working expenses in the State Railways in India is due to the highly paid European agency at the top of the administration. In fact, the railway officers are paid a good deal more than the civilians and they enjoy even greater privileges than they. Even the Lee Commission's recommendations are made applicable to these railway officers. This costly machinery must, therefore, be replaced by a cheaper one at the earliest moment possible. One of the arguments that is usually put forward against Indianization is that it will lead to inefficiency. But efficiency is not the birthright of Europeans alone. I am not one of those who want to sacrifice efficiency at the altar of economy. I am sure efficient men will be forthcoming also from among Indians, if only you give them the necessary facilities for training and opportunities to serve. While Indians have distinguished themselves as civil engineers, electrical engineers, mechanical engineers and so on and are holding high positions under Government as such, will it be difficult for them to acquire the necessary knowledge and capacity to fill a Railway Engineer's place? After all, Railway officers are born and not made. If other nations like Japan, Germany and America have been able to train and turn out Railway officers in no way inferior to Englishmen, why should not India do likewise? In America, very great attention is paid to railway training. In the University of Illinois, for instance, an elaborate course of training in railway transportation, railway economics, and railway engineering is provided and successful students after three or four years' training are given the degree of B.A. in Railway Economics, and B.Sc. in Railway Transportation or Railway Engineering. The Railways help such Universities by providing them with lecturers from the railway staff and by recruiting men on their staff from the students trained at such Universities. Why should not the Government of India make some such arrangement as exists in America between the Indian Railways they own and the Indian Universities they control? Even a small sum from the Railway Budget spent in this way annually would help a great deal in solving the problem of Indianization more easily. The railway schools we now have give training to railway employees already in service, but for those not in railway employ but wishing to be trained for railway service, there are no facilities at all in existence in this

[Dr. U. Rama Rao.]

country. I hope the Government will consider this aspect of the question when the proposed Railway Staff College is going to be established at Dehra Dun.

Now, Sir, coming to the passenger traffic on Railways, I must say that the existing passenger fare is abnormally high. The time has arrived when we must consider the question of reducing the railway fare and providing a uniform rate for all Railways. A small beginning has no doubt been made in the matter of reduction of fare but the relief given is miserably poor and niggardly. The South Indian Railway Company, for instance, has made a very meagre reduction from 3¾ pies to 3½ pies, *i.e.*, ¼ pie per mile for all distances in the third class fare. The Company might as well bring the fare at least to the level of the Madras and Southern Mahratta Railway rate, namely, 3½ pies per mile for 1—100 miles and 3 pies for additional distances. In so far as the fare for first and second class is concerned, the Company has adopted the rate prevailing on the Madras and Southern Mahratta Railway. There is no dearth of third class passenger traffic on the South Indian Railway. In fact, according to the Company's Budget Memorandum, third class traffic is 98·8 per cent. of the passenger traffic and brings in about 92 per cent. of the receipts. So, the lower the rate, the more the traffic, and the greater the yield. Again, Sir, in the Proceedings of the Standing Finance Committee for Railways dated 20th January 1926, Volume II, No. 6, I find it stated that there is no Intermediate class on the South Indian Railway. There is, I submit, Sir, all intermediate class provided on the Ceylon Boat mail. Quite recently, at a meeting of the Advisory Committee of the South Indian Railway, the question of reduction of the intermediate class fare was also raised. In view of the congestion of passenger traffic in the third class, an intermediate class is absolutely necessary on that Railway, so that the middle class people travelling long distances may avail themselves of it. I cannot understand why a total denial of even the existence of an intermediate class on the South Indian Railway has been made by the Government in their Proceedings. The existing rate for intermediate class is 7½ pies per mile and when a proposal was made to reduce the fare from 7½ pies to 6 pies per mile on mail trains and 4½ pies on other trains, the Agent appears to have expressed the opinion that intermediate accommodation was provided only as an experimental measure and the effect of other reductions in fares, namely, 2nd class, must be seen before considering this proposal. This is what a member of the South Indian Railway Advisory Committee writes in *The Hindu* of 10th February, 1926:

"This reply reveals the attitude of the Railway administration towards providing intermediate class accommodation. It appears to me they want to make out a case that intermediate class accommodation is not popular and thus to put a stop to it. For, with 7½ pies per mile for intermediate class in the Boat mail and 9 pies per mile for the second class in the Trivandrum Express trains, many would naturally prefer the second class in Express trains to intermediate in the Boat mail and convenient statistics will not then be wanting to show that the intermediate class is not popular."

This is really an unfair method for the Railway administration to pursue and I would like to know in the first place whether the Government are aware of the provision of intermediate class on the South Indian Railway and if they are aware, as they must be, how are they going to reconcile that statement they have made in the Railway Financial Committee's report that there is no intermediate class on the South Indian Railway?

If it was an experimental measure, why not say so? How are the Honourable Members in this Council and the public outside, who are unacquainted with Madras, to know about the experiment that is being carried on and the success or otherwise thereof, when an authoritative document like the Railway Finance Committee's Proceedings gives a totally different version, and denies the very existence of an intermediate class on that Railway?

Let me now pass on, Sir, to the Madras Suburban traffic of the South Indian Railway. This question, I must point out, is correlated with the problem of overcrowding in Madras. A close study of the analysis of passenger traffic on the South Indian Railway reveals the fact that the Suburban traffic has increased considerably during the period 1910—14. But the present prohibitive rate for season tickets has practically given a set-back to the relief of congestion in Madras. It is inadvisable on the part of the Railway Company still to continue the war time rate and not attempt to reduce the fare for season tickets. A substantial reduction in the season ticket rates, a faster train service than at present exists and the provision of a better and more convenient type of rolling-stock will, I am sure, go to solve the housing problem in Madras half-way at least. This brings me on to the subject of doubling the railway lines and the Electrification of the Suburban trains. The first of the above schemes has, I notice, just been undertaken and I am glad to find that a sum of Rs. 54·50 lakhs has been provided in the Budget for Madras improvements. The Electrification Scheme, I hope, will also be pushed through simultaneously and not be made to drag along for an indefinite length of time.

In regard to the construction of new lines, I am sorry to observe that the long-projected line between Mangalore and Hassan has practically been abandoned for the time being. In reply to my interpellation on the subject the other day in this Council, the Honourable Mr. Chadwick said that its financial prospects do not justify the construction of the line at present. The above line was originally conceived for tapping the planting area on the Western frontier of Mysore and for linking up that inland province with the sea-coast and providing her with a direct communication with the sea-board. These purposes still remain to be fulfilled or in other words, Mysore still lacks an outlet for her produce in general and for her coffee in particular, nine-tenths of which always finds its way to Mangalore in spite of the defective means of transport now available. Not a little traffic now passes between the two places and a railway is bound to stimulate it contributing to the advantages of both the countries concerned. Till recently, the Assam Bengal Railway was being worked at a loss. That Railway's Budget Memorandum says:

"In 1925-26, for the first time in its history, the Assam-Bengal Railway shareholders, were under the terms of working contract entitled to surplus profits."

Why was this Railway opened then and why is this Railway maintained still, though working at a loss all along? Is it not in the interests of the European planters of Assam? My own district of South Kanara is very poor in railway communications. All railway communications end with Mangalore. The interior still remains unexplored and unserved. A line from Mangalore to Goa is sadly wanted. If one wants to go to Bombay, he must go by steamer from Mangalore or *via* Bangalore and Poona taking a very circuitous route. Steamer service, especially in rough weather and rainy season is seldom availed of. I hope the Government will see their way to give us some relief in the matter of Railways in the near future.

[Dr. U. Rama Rao.]

The comforts of the travelling public are not properly attended to in most of the Railway Administrations. So far as the upper classes are concerned all is well with them. With regard to third class passengers, it is really a monstrous and at the same time pitiable sight to see them penned in like cattle in every compartment, even to the point of choking. It is really cruel to admit more passengers than accommodation would permit. It may pertinently be asked: "Why do they rush in like that"? The answer is "When is the next train to go? Is it not after another twelve hours that the next train leaves?" The fact of the matter is that Railway Administrations are unwilling to run more trains partly from a sense of false economy and partly from want of rolling stock. Again, no arrangement has been made for supply of meals to Indian passengers in long-distance trains. There ought to be an Indian restaurant car, as there is a European restaurant car, attached to those trains. The Indian buffet will not do, as it provides only refreshments. At some junction stations, meals can be had but it is impossible for one to take his meals within the short time the train stops. Further, there appears to be no kind of sanitary check or control exercised over those places. There is no separate sanitary staff in any of the Railways. There are petty vendors of edibles, fruits, etc., in every station who are all licensed by the Company. I would like to know for what the license is issued. Is it issued merely for them to enter the railway premises and sell any stuff they like? How much is being collected from these people and how is the amount utilized? Why should not the Railway Administrations set apart this sum for the maintenance of a sanitary staff to enforce sanitary conditions on these licensed vendors. These vendors with their unclean habits, with their old foodstuffs, rotten fruit exposed for sale and subjected to the ravages of fleas and flies must really be revolting to the sanitary conscience of the passengers and must be endangering their health considerably. The waiting rooms or third class waiting sheds as they are called, are too small to accommodate all the passengers. The retiring rooms for upper class passengers at junction stations are meant only for Europeans and are available to the Indians only in their absence. There is racial discrimination even here. The Railway Administrations must first look to the comforts and conveniences of passengers before they begin to count their profits. I appeal to the Honourable Member for Railways to insist on Railway Administrations not to overlook this important duty they owe to the passengers.

Lastly, Sir, I come to the question of the health of the railway staffs themselves. Medical relief on Railways is in my opinion very inadequate. Out of about 39 Railways, there are only about 10 Railways who have got some sort of medical establishment of their own. The superior staff of medical officers are in all about 70, which is very insufficient to administer to the needs of a vast railway population. I am glad the Government have recognized their inaction if not negligence in the matter for so long a time and are anxious to make amends. I do appreciate the sentiments expressed in the speech of the Honourable Sir Clement Hindley delivered the other day, which runs as follows:

"In the direction of improvement in health and surroundings, there is much to be done and during last year we have had a senior administrative medical officer on special duty to study the problem on the North Western Railway. The object of his investigation has been to devise a better organization for medical treatment of

the staff on that Railway and for dealing with public health problems in Railway settlements. We have his report now under consideration and I hope, in the course of next year we shall be able to bring about the desired improvement, for, we are satisfied that improvement is necessary. The officer referred to has visited practically every Railway in India and has made a careful study of the medical arrangements on each of them. His work has assisted in making it clear that a great deal has yet to be done in studying the incidence of sickness and disease amongst Railway employees and apart from the obvious obligation to give these men adequate opportunities of treatment, the subject has its commercial aspect in the loss of working time which at present preventible disease entails."

These are weighty words indeed and I trust Government will translate them into action and thus ensure the health and well-being of their employees ere long.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, as a preface to a few remarks I wish to make on the Railway Budget, I congratulate the Honourable the Commerce Member, and through him the Chief Commissioner for Railways and his staff, for the very admirable way in which the Budget has been drawn up and the form in which it has been presented to this Council. In perusing the figures given in the Budget and more especially the references to them in the speeches of the Honourable the Commerce Member in another House and, in this House, of the Honourable the Chief Commissioner for Railways—to give him the full honour to which he is entitled by reason of his recent nomination to this Council an honour lately attached but not yet obliterated—I clearly recognise a certain finger in the pie. The finger is that of my old friend Mr. Sim whose appointment to the Railway Board was the Central Board of Revenues' loss but the Railway Board's gain.

The final results of the financial year 1924-25 were extremely gratifying and must have induced a pleasing glow in the stalwart frames of the Honourable the Finance Member and of our friend here the Finance Secretary.

The revised budget estimates for 1925-26 are perhaps not quite so comforting, but I sincerely congratulate the Railway Department, and all those concerned with it, in that the difference between the revised estimated balance and the estimated balance submitted to us about a year ago shows a falling away of only 35 lakhs and that, during a year of what we all know to be one of much trade depression. That the Finance Member is likely to receive from Railways only 16 lakhs less than he was led to expect he would receive should not elicit even the smallest of growls from him, knowing, as he does the extreme dull days of trade through which we have been passing for many months will affect adversely the excess balance over 3 crores of which the General Revenues receive one-third. Some of us, if not all of us, in this Council can appreciate keenly the difficult times which the Railways in India have gone through and are going through in the current financial year. While perusing the figures given on the revised estimates for the current year 1925-26, I cannot find for how many months or up to what date actual figures are forthcoming; I trust that the revised estimated earnings for those months of the year for which actual figures cannot be yet obtained are on a sufficiently conservative basis.

The budget estimates for 1926-27 are extremely interesting, and this Council is of course aware that to a large extent they must necessarily be speculative. I am an optimist by nature and I admire the optimism of the Chief Commissioner in describing the present conditions as favourable and in anticipating a favourable monsoon, and I sincerely hope his optimism will prove to be justified.

[Sir Arthur Froom.]

Turning to the Capital Budget of 1925-26, I am sorry to see that the net grant of some 23 crores for the current year is not likely to be spent but will fall short by some 3½ crores and I trust that the old bogey of programme revenue is not responsible in any way for this. To my mind it is most essential that there should be no slackening in the work of the improvement of the permanent ways, of the reconstruction and—where necessary—the strengthening of bridges, of providing up to date and economical locomotives and rolling stock, in short in the whole work of bringing our Railways up to the highest state of efficiency possible. By this means, only, can we look for further improvement in handling passenger traffic of all classes with comfort, safety and expedition and in dealing with the transport of goods rapidly and promptly in order to avoid congestion, which in past years has been a serious drawback to the trade of this country.

The electrification of the Railways in and about the large railway centres and termini is a matter of great importance; Bombay, as pointed out by the Honourable the Commerce Member and the Chief Commissioner, is showing the way and, there not only has the Harbour Branch of the Great Indian Peninsula Railway been open for some time with an electric service but one of the suburban lines of that Railway is also running trains whose motive power is electricity. We are anxious to go forward as quickly as we can with this in Bombay and I hope that other provinces will follow our example.

Not least among the pleasing features of this Budget is the reduction of passenger fares and also the proposed reduction of the long distance freight on coal. This question of a reduction in existing coal freights was debated in this House last September on a Resolution, brought forward by my friend, the Honourable Rai Bahadur Lala Ram Saran Das, which was passed without a division. And here may I digress for one moment. In his speech introducing the Railway Budget in another place the Honourable the Commerce Member expressed his thanks to the Standing Finance Committee for Railways, composed almost entirely of non-official Members of the Legislature, for the great assistance accorded by that body in framing the Budget. In fact he pointed out that the Budget was one recommended to the Legislature by a number of its elected representatives; and yet recently in this House we heard speeches to the effect that no progress was possible under the present constitution. In this House we have passed many recommendations the values of which have been acknowledged by Government and which have been acted upon. What about Agriculture to examine which a Royal Commission has been appointed, what about the Skeen Committee of which an Honourable Member, unfortunately not present is a Member. Our advice has frequently been sought by Government. And now Government has acted upon our Resolution in favour of a reduction in the long distance freight on coal, although, I would remind you, no doubt for their own very good reasons, the Resolution was not received with open arms by the Railway Department. And yet there are some who say we make no progress and can achieve nothing under the present constitution.

I listened with interest the other day to the Chief Commissioner's statement of open line works directed towards a more efficient handling of existing traffic and to meet and foster a natural expansion of traffic. I

have always held the opinion and have expressed it on more than one occasion that the solution of a congestion in passenger and goods traffic does not lie in supplying your railways with more rolling stock to the extent of choking them but in improved facilities for the rapid and effective handling and moving of the existing stock which at the same time should be brought up to date. I am glad to see that the Railway Board continues to give close attention to this important matter. I notice that a considerable sum is to be spent on the remodelling of Victoria Terminus at Bombay which I know to be necessary to meet growing traffic requirements. May I ask my friend opposite if any decision has yet been arrived at as to where the terminus of the long distance traffic of the Bombay, Baroda and Central India Railway, is to be located when Colaba station is closed?

Honourable Members of this House are no doubt aware that Viscount Inchcape has recently paid a brief visit to India—a holiday trip and not a business or political one as has been suggested in some quarters—and I feel sure that had he been able to extend his holidays he would have been the first to congratulate the Railway Department on the achievements attained during the three years since the hardworking Inchcape Committee made its report. It is exceedingly gratifying to learn from the Honourable the Commerce Member's speech in the other House that the results of the past three years' workings of our Railways have exceeded the figures which the Inchcape Committee suggested should be aimed at.

Sir, I do not wish to take up more than my fair share of the time allotted to Honourable Members for the discussion of the Railway Budget. At the beginning of my remarks I congratulated the Railway Board on the way in which the Railway Budget has been presented. I have however one suggestion to make, which is that this small white booklet described in the Note as the "Budget Proper" should be printed in a larger form say of the size of the pink books of the estimates. The printed figures in the white booklet are exceedingly small and bearing in mind that we have been described as a body of elderly statesmen it can be readily imagined that the sight of some of us is not as keen as that of our younger brothers and it is a difficult matter to peruse figures which almost necessitate a magnifying glass to read them.

In his speech the Honourable Sir Charles Innes said that this is the last Railway Budget which he will defend in the Legislature. This I feel sure all of us regret exceedingly. I wish he had been able to be present here this morning, but I have heard on very good authority, first-hand authority, that the regret we feel in not seeing him here is more than shared by the Honourable Member himself. He had been called away to attend some other meeting which he told me he could not possibly get out of. The Legislature will miss him keenly when he goes, but I will not say more about this now as he has not gone yet. I do not think he will find much difficulty in defending—I use the Honourable Member's own words—the Railway Budget before us. The present financial year has been and is still one of very considerable trade depression; we hope for brighter conditions in 1926-27, and under the circumstances I feel that, although there may be criticisms the Honourable the Commerce Member, the Chief Commissioner for Railways, and the whole of the Railway Department cannot be fairly attacked on their Budget generally, but on the contrary that they will receive very many congratulations on the results achieved.

THE HONOURABLE SIR BIJAY CHAND MAHTAB: MAHARAJADHIRAJA BAHADUR OF BURDWAN (Bengal: Nominated Non-Official): Sir, I shall detain this House for a very few minutes. In an academic discussion of this kind one gets an opportunity of conveying to the Government various aspects of railway administration in India. I shall however confine myself to two or three small matters which relate mainly to the province to which I belong. First of all, I should like to ask the Honourable the Chief Commissioner for Railways whether the provision to be found on page 16 of the Eastern Bengal Railway Budget for the conversion into broad gauge from Parbatipore to Siliguri means that he will complete the conversion into broad gauge from Sealdah to Siliguri by the end of the year for which the Budget has been presented.

Now I shall just bring to his notice two matters which I think call for attention. As we all know, motor traffic is very much on the increase in the mofussil and only a short while ago, in fact just before I unfortunately got ill, I had to go up from Calcutta into the interior and coming to one level crossing at night—it was only about 8 o'clock in the evening—and the level crossing near a wayside station, one was told that the orders were that after the last passenger train had passed that that particular level crossing was not to be opened. Of course I being the landlord of the whole of that area I had no difficulty in getting the man to open the crossing for me, although perhaps under the Railways Act I might have been run in. But I do think that in view of the increasing motor traffic better arrangements are necessary, and that this plea that after the last train has passed that particular level crossing is not to be opened to motor traffic until the next morning is a bit thick.

I welcome the provisions in the Railway Budget for the improvements of the marshalling yards and workshops in large railway stations; but I may remind Sir Clement Hindley when he was not an official of Government, when he was the Chief official of a railway now officialised, that in recent years the railway stations that have been constructed by the East Indian Railway have paid more attention to goods traffic than to the convenience of the passengers, and I can point out to him dozens of railway stations in Bengal proper where although there is a cover over the heads of the passengers and although the area covered is by no means small, in the monsoon it gives little, in fact no protection from rain, and I therefore wish to draw the attention of the Honourable the Chief Commissioner that in future development of the railway programme more attention should be paid to a better style of railway stations, especially on the East Indian Railway. When I recollect the old railway station with pillars that used to be at Burdwan, very like some of the railway stations upcountry, and when I compare that with the one that now exists there I must say it is a sad difference because even a big railway station like that of Burdwan gives little or no protection from rain to passengers waiting on the platform, and it is a matter to which I should like to draw the attention of the Government

These are all the observations I have to make on the Railway Budget.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, I have been reading the proceedings of the meetings of the Standing Finance Committee for Railways. We had not enough time to go thoroughly into the facts and figures which are given. Having regard to cases like mine I mean the new members who are not familiar with the facts and

figures, more time for preparation should have been given with a view to find how the facts and figures stood with reference to the Burma Railways I casually went through the pages and strange to say I came across at pages 69 and 70 of the proceedings of the Finance Committee for Railways some figures which go to show that there is a concession for passengers travelling beyond 300 miles. But what do I actually find? That the so-called concessions were no concessions at all because neither the Southern Shan State Railway nor the Myohaung Lashio Branch extend to anything like 300 miles. One is only 85 miles and the other about 173 miles. I tried to find out whether this concession is extended to people who travel along other lines and then proceed along these hill lines, but as a matter of fact on working it out I found there were no concessions at all even in the case of persons who travel more than 300 miles. I wish to point out this fact because if one comes across figures like these which have no meaning, and statements of concessions which are really no concessions at all, one would have to go through the budget statements with a certain amount of scrutiny as regards the other figures which are laid before us. It is a misnomer to say that a concession exists as regards these two lines. The concession can never exist because they do not extend to anything like 300 miles. I wanted, before going any further, to deal with that aspect of the figures because we have not had time thoroughly to scrutinise the figures. We have to take the figures as they are without a critical study, and find out if the conclusions arrived at by the member who is responsible for the administration of the Railways have been correct. From a cursory glance at the figures I find that, when separating railway finance from general finance, the separation was effected at a time when it was expected to give a good advantage to railway finance, and in consequence a condition of things exists now which is a matter for congratulation. As it is we have got about two crores of rupees in excess of the estimated amounts available in the first three years after separation to the Reserve Fund, and in the Depreciation Fund we have got plenty and there is no need to be anxious about the Reserve Fund being drawn upon to advance money to the Depreciation Fund, at least in the near future. I wish to point out that there is a large amount available out of the Reserve Fund for one of the purposes for which that Reserve Fund is intended, that is for the purpose of the reduction of rates of fares and freights. We find also a sum of Rs. 123 lakhs and another sum of 40 lakhs set apart for the reduction of fares. All these figures put together give me an impression that the railway administration has been niggardly in making concessions for the poorest classes of people who contribute a very large share, nearly 50 per cent. to the revenues of the Railways. The first relief that ought to be given out of the amount available for such a purpose should be to the people who stand most in need of it and to the people who contribute the largest share of it. Concessions are sought to be granted only to passengers travelling beyond 300 miles, and the concession also is very small because it applies mostly to passengers travelling by mail trains. Most of the poorer class of people who travel under 50 miles, that is the average Indian, have necessarily to go by the ordinary trains and not the mail trains. Mail trains do not stop at ordinary stations. Generally the run on the mail trains from one stop to another is on the average over 50 miles. It may be a little more or a little less, but it is generally more than 50 miles, so the concession which is intended to be given to people travelling by mail trains is not really a concession for the class of people who have the first

[Mr. P. C. Desika Chari.]

preference in claiming relief, that is the mass of the Indian population who contribute the largest share of the revenue. As regards the concessions proposed to be granted to first and second class passengers, that is merely a business proposition. It is expected that it is likely to bring in revenue, not now, but in the near future to cover up any deficiencies that may arise by the grant of those concessions, so that need not be taken into account in the matter of granting relief to the ordinary third class passenger in ordinary trains. I want to make it clear that the relief, if any, is to be given in the largest measure to the masses of the population who travel by the ordinary trains. It does not matter if the mail train fare is kept as it is, but the whole of the amount set apart for the relief of third class passengers ought to go to the ordinary third class passengers because it would give relief to the largest number of people. That is as regards the fares. As regards the reduction in freight, I find some relief is sought to be given to the coal industry in the transport of coal. It is a very good thing in itself because that would, to some extent, help the pioneer industries in this country in getting the coal which is necessary for industrial and manufacturing purposes. But it is also a relief intended to be given to the rich man. I would suggest that the first consideration of the railway administration ought to be to give relief to the poorest people, and having regard to this principle, it is better if the amount set apart for this purpose is allotted for the grant of some sort of relief in the transport of rice and other food-stuffs of ordinary consumption which are wanted by the generality of people, by the mass of the population.

Then as regards the purchase of stores, I find my Honourable friend from Calcutta has been referring to the tendency on the part of the Legislature to interfere with the Railway Administration and to make it less efficient, and he warned the House against interfering with the administration on purely political considerations. I am not going into this question of the purchase of stores from the purely political standpoint. The matter has been dealt with by a Committee as early as 1919, the Stores Committee, and the recommendations of that Committee have been accepted. I only ask that it may not be made to appear by the working of the recommendations of that Committee that the Railway Administration want to make a point out of some small loopholes that may be available. It is quite possible to defend any position, but I would say that it is necessary to lead the people into confidence when the recommendations are carried into effect. I refer to this because there is a general impression that there is a tendency to prefer to go outside India or to give contracts to Europeans in preference to Indians and to purchase outside India goods which are available in India itself. In this connection I would crave the leave of this House to read a copy of a telegram which was sent to the Railway Board by the Burma Indian Chamber of Commerce as regards the tender for 229,000 jarrah wood sleepers by the Great Indian Peninsula Railway, which was published in the *Indian Trade Journal* of the 4th instant. This is what they say:

"Committee Burma Indian Chamber of Commerce strongly protest against practice of inviting tenders for foreign sleepers although teakwood and junglewood for railway sleepers available in abundance in India and Burma. The Committee consider such practice in absolute contravention of accepted policy of Government regarding purchase of stores for public services specially. As railway concerned is now under State management they respectfully urge Railway Board to take immediate steps to undo injustice done in this instance to country's interests concerned."

I read this out not because this particular incident is very important. It is only important for this purpose that it serves to create an impression in the people that the Railway Administration tries its best to get out of the recommendations of the Committee as much as possible on some ground or other. It is necessary that there should be no room for this suspicion—well I would not call it so much suspicion as a critical attitude on the part of the population of India with regard to its administration caused by incidents like these—it is necessary that there should be no scope given for such criticism in future.

Then coming to the question of railway construction I find a statement made that there is not much scope for development in the Madras and Southern Mahratta Railway. I come from the North Arcot district which is served mostly by this Railway. There we find there are large tracts of country where there is no difficulty of introducing railway communications, where people find that they have to go long distances, something like 50 or 60 miles, before they come to a railway station. The Honourable the Leader of the House who comes from the same district will bear testimony to that; and I hope this representation of mine will be taken into consideration to find out whether there is scope for development in the matter of the construction of feeder lines in the area served by the Madras and Southern Mahratta Railway.

And then as regards new construction I find there is a tendency to take railway lines, so far as Burma is concerned, along regions which are more or less uninhabited. That is specially so in the case of the railway line which has been taken to the Siamese frontier. It is a thickly wooded country where there are hardly any human habitations. I do not see why after spending a good deal of money in surveying the Indo-Burma frontier, the scheme of an Indo-Burma connection has not been taken into serious consideration yet. I find in the printed speech of the Railway member some pious hope is held out that in the far distant future, I take it, there may be a chance of connecting India and Burma, and the lines, some of which are now proposed to be constructed, may lead to that consummation.

I also find that in the case of the lines served by the Assam Bengal Railway the geographical position makes the railway unremunerative. I would suggest that if that Railway is so extended and I believe it will not involve a cost which is out of all proportion to the remuneration which is expected, it may be better to take that line and make it reach the line which is being constructed by the Burma Railways, so that both the Assam-Bengal Railway and the Burma Railways in that region may be remunerative.

I hope the Railway Administration will take these things into consideration from the Indian point of view more specially as there is no Indian element at the top of the Administration. Efforts are being made from time to time to bring to the notice of the authorities that it is necessary to have some Indian as a member of the Railway Board. No doubt in the case of the Railway Board it was thought that an expert having knowledge of railway administration ought to be appointed, and as an Indian with such qualifications is not available an Indian has not been appointed. No useful purpose will be served in suggesting that the Financial Commissioner of Railways must be an Indian because it is not a practical proposition now

[Mr. P. C. Desika Chari.]

as it stands. It may be when further developments occur it will be taken into consideration because it cannot be said that for the post of Financial Commissioner an Indian with suitable qualifications is not available. In this connection I may also refer to the Rates Advisory Committee. It was thought that the absence of the Indian element from the Railway Board and the difficulty of finding an Indian for appointment to the post of Financial Commissioner would be somewhat compensated by the appointment of a Statutory tribunal which would be in a position to deal with the rates in a satisfactory manner. Now as it is we have got an Advisory Committee and I hope and trust the scope and object of that Committee will not be narrowed and that it may be possible for individuals and private organisations to bring before the Rates Tribunal questions they may want to refer to the Tribunal, and I hope it will not be the sole province of the Government or of the Railway companies to refer all matters which will have to be decided by the Rates Advisory Committee. I hope this Rates Advisory Committee, though it does not go far to satisfy the demands of the people, will at least be enabled to widen the scope of its duties and take into consideration references made to it by individuals and private organisations in matters in which it is expected to discharge its functions.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-Official): Sir, when I came this morning I had no intention of taking part in this debate because the Railway Budget is an intensely financial and the subject matter of Sir Clement Hindley's speech a highly technical one. But, Sir, statements have been made in this House on which I think it is my duty to give my own views. The Honourable Mr. Bell who is absent from the House at this minute complained of the shortness of notice. I do not share his views. In fact, Sir, more than 24 hours is an adequate notice for any Member of this House. But the biggest drawback from which we suffer, Sir, is the non-representation of this House on the Railway Standing Finance Committee of which the Honourable Mr. Sim is the Chairman and the mouthpiece. He must be a bold man, Sir, if he has taken that Standing Committee into his full confidence and has given them in advance the ways and means programme of the Budget. This is not in consonance with the constitutional practice in any legislative House, not even in the British House of Commons. If he has done so he is a bold man.

Then, Sir, I come to the speech of my Honourable friend Mr. Manmohandas Ramji. Mr. Ramji is not satisfied with the Rates Advisory Committee; but, Sir, the practice of condemning an institution in advance is a bad practice. It is done mainly in the other House and not in this House. I would ask the Honourable Member to give the Advisory Committee a chance, to give my friend Sir Narasimha Sarma a chance. He is a man of great integrity, honesty of purpose and of great foresight and statesmanship.

THE HONOURABLE MR. MANMOHANDAS RAMJI VORA: I never questioned his personal qualifications.

THE HONOURABLE MR. K. C. ROY: I did not mean that for one moment either. Then, Sir, I come to the speech of my friend the Honourable Lala Ram Saran Das. Although he tired the House there was a good deal of substance in his speech. But when he wants me to believe that roadside

stations should be manned like the Delhi station I respectfully differ from him. In fact when I visit a railway station I try to compare my impressions of an English railway station. Here you find troops of men, station masters, assistant station masters, yard masters—I do not know who else—legions of them infesting all the stations. I would ask my Honourable friend to remember that in an English station all the work is done by one or two porters, one or two station masters and a few people like that and sometimes a railway station is run by a woman. Unless we can strive for English efficiency we shall never be successful in our business concerns, and I deprecate in the strongest terms the way in which the menial staff is sought to be increased in all stations on the Indian Railways.

Then, Sir, reference has been made by my Honourable friends, Rai Bahadur Lala Ram Saran Das, Dr. Rama Rao and Mr. Chari to the question of Indianisation. This is a very old swan song of this House. It began in 1910, and it took a definite shape in 1911 when there was a heated debate between Mr. Gokhale on the one hand and Sir Trevedryn Wynne on the other; and in order to mark his displeasure Mr. Gokhale divided the House. The division was lost to him, and the minority included my friend the Maharaja of Burdwan who is now present here to-day. What has happened since then? Very little progress has been made with Indianisation. To-day we have not got a single man occupying a responsible position on the Railway Board purely on the railway side: I am not speaking of the audit or finance side at all. Then, Sir, we had the Railway Conference Association in Simla. Did we have a single Indian on it? No. I do not blame anybody for what has happened in the past. I think the country is indebted to the Honourable Sir Charles Innes and the Honourable Sir Clement Hindley for the bold measures they have taken to inaugurate a real policy of Indianisation on Railways. Let us give them a chance; let us not refer to it year after year; let us at least give the new scheme a chance for five years, and then cry for more. Sir, our views on Indianisation are well known. I was asked to answer this question by a Commission with which my Honourable friend Sir Muhammad Habibullah was associated and I said that in respect of the Indian Civil Service, the Indian Police Service and the Indian Medical Service the utmost care should be taken not to Indianise those services rapidly because they represent the security services of India; but as regards the technical services of the State, engineering and railways, there should be more rapid Indianisation; and to those views I still subscribe.

Lastly, Sir, I come to Sir Arthur Froom. I entirely endorse nearly all he has said on the general aspect of the Budget. But, Sir, I differ from him in his claims for more money, for more consideration, for more favourable terms for Bombay. In fact, Sir, when I read the Budget for the first time I thought that the Budget had been framed only to placate Bombay because Bombay somehow or other has secured a dominant voice in our Indian Legislature. Then, Sir, when my friend Mr. Bell spoke here, for the support of an unknown bridge, I wanted him to mobilise Bengal opinion not only in this House but also in the other and put full pressure on Sir Clement Hindley and Sir Charles Innes and make them feel that Bengal has yet a function to perform here and to demand her full rights. Sir, I congratulate Sir Charles Innes and Sir Clement Hindley on their able budget speeches.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, both the Honourable Member for Railways and the Chief Commissioner have told us in their very lucid and optimistic speeches that the Standing Railway Finance Committee examined the figures thoroughly and that they agreed to all the Demands. Speeking for myself this agreement has merely relieved me of the necessity of examining those figures with any care, because they will no doubt come under the close scrutiny of the Assembly when the Demands for Grants are voted upon. But it does not lead to the conclusion to which my Honourable friend Sir Arthur Froom has jumped, namely, that a great deal is possible under this constitution although we wicked Swarajists and others deny it. The fact that Standing Finance Committees on Railways agreed to the Demands did not justify him in finding that our assertion was wrong. I shall not make any reference either to the Skeen Committee or to the Royal Commission on Agriculture to which he also referred, because I feel them to be irrelevant considerations so far as this question is concerned. I shall confine myself entirely to the railway policy. I may tell my Honourable friend, Sir Arthur Froom, and this House, that an examination of the figures and accepting the demands, which are regulated and controlled by a policy in which the Indians have absolutely no voice and in which the Indians are not consulted, do not mean much to my mind. Certain proposals are put by the Railway Board before the Standing Finance Committee for Railways which is asked to scrutinise the figures relating to them just as any auditor or expert clerk does, and if my friend suggests that the members of the Standing Railway Finance Committee control the policy underlying these figures, I beg emphatically to differ from this assertion.

Sir, ever since 1870 we are told that there is absolutely no political disability for an Indian to be appointed to any position in the administration of Railways either as a member of the Railway Board or as a Financial Adviser or to any superior appointments. In the discussion in another place in 1924, I found that, though no promise was made, yet hopes were held out in the speeches made by the Honourable Sir Basil Blackett and the Honourable Sir Charles Innes that the claim of Indians to a place in the higher direction and control of the Railways would be favourably considered. But after a period of three years, I find that we are where we were. And to-day I am in a position to assert that there is a large volume of feeling in this country that the railway policy of the Government of India is directed mainly in the interests of the foreign capitalist and the foreign merchant and not of Indian interests. Normally, Sir, I agree, that schemes for the expansion of the Railways and railway prosperity are a true index of the commercial and industrial development of a country, but in a country like India which is under a foreign political domination and foreign capitalistic exploitation, they have a different meaning. It is obvious to every student of economics and industries in this country that with the growing expansion of our railway system, the indigenous trade and commerce are being destroyed. I heard yesterday a very remarkable speech by one of our foremost commercial men in India, Lala Harkishen Lal from his place as President of the Indian Commercial and Industrial Congress which is now sitting in this city, in which he depicted in a very vivid manner how the industries of India have been going down day after day in spite of the so-called transport facilities afforded by our Railways. I do not wish to elaborate this point. Every one knows that our pre-rail-

way manufactures have steadily been going down, and the present railway policy is serving to facilitate the import of foreign goods and the rapid export of raw material and commercial products like jute and cotton. This has resulted in the impoverishment of the country and a steady degeneration of our indigenous industries. It is a fact which will stand examination, it will be borne out by an examination of the industrial and railway policy of the Government of India. The primary concern in a self-governing country will be the prosperity of the subject based upon the economic and industrial possibilities of Railways but in a country like India, which is governed on different lines, the test of prosperity is the figures relating to the export and import trade as an index of the prosperity of the foreign trade and not the inland trade.

Then with regard to the railway lines in India, we are told that to-day we have nearly 38,000 miles of railways in this country. But what is 38,000 miles of railway in a country like India with a population of 318 millions? In a country like England with a population of 43 millions, we have 50,000 miles of railway; in Germany with a population of 60 millions, we have 34,600 miles and in the United States of America, with a population of 118 millions we have 262,000 miles. Out of a total railway mileage of 660,000, we have only got 38,000 miles though we have one-fifth of the population of the world. These 38,000 miles of railway are so constructed as to be useful in the main either for strategic purposes or for the purpose of helping the import of foreign material into India and facilitating the export of raw material from India. I say, Sir, that the spirit of the railway policy to-day is the same as it was in 1845 when it had its humble beginnings, and 120 miles of railway were built from Calcutta to Raneguni, 33 miles of railway from Bombay to Kalyan and 39 miles from Madras to Arkonam. The significance was that they wanted foreign ships arriving at those ports to dump India with their foreign goods and to-day, the same is the spirit, because, I find that some development schemes proposed by agencies like District Boards to improve the communications in the interior of the country are held up while lines which are strategic or which are profitable to the foreign merchants and capitalists are taken up more readily. Therefore it is no use saying that the Standing Railway Finance Committee's work is an index of the possibilities of this constitution.

Then, Sir, before I deal with the Railway Board's achievements, I shall mention one fact regarding the mentality of the Railway Board. It may be a very small matter but it shows the whole attitude that underlies the Railway Board's administration. When the Khyber Pass Railway was opened, invitations were sent out to some Anglo-Indian journals but not a single Indian journal was invited to the function. I believe my Honourable friend Sir Charles Innes had to answer a number of questions on that point in another place only a few days ago and the only explanation he had to give was that these Anglo-Indian papers had editors who came in contact with the tin gods of Simla and Delhi and therefore they had received invitations. Is that an explanation worthy of a body which is responsible for the administration of such a huge enterprise as the Indian Railways? The Indian editors do not care for the invitations of the Railway Board, for they are self-respecting men. I only instance it as a point to show the mentality of the Railway Board which is supposed to be safeguarding the interests of this country.

[Mr. V. Ramadas Pantulu.]

Then, Sir, with regard to the way in which the Railway Board is Indianising the services, I will not cover the same ground that has been covered by other Honourable Members. But I will only give you two startling figures. In the State-managed Railways there are 450 high paid officials (Europeans and Anglo-Indians) whose monthly salary is Rs. 3½ lakhs and there are 45 Indians whose monthly pay amounts to Rs. 26,000. In the Company-managed Railways we have to-day 1,088 European officials whose monthly pay is Rs. 8½ lakhs and 28 Indians with a miserable monthly pay of Rs. 12,000. There is not a single Chief Engineer, a single Superintending Engineer, a single Agent, a single Deputy Agent, a single Traffic Manager, a single Deputy Traffic Manager, a single Loco Superintendent, a single Controller of Stores, a single Bridge Engineer, a single Electric Engineer, who is an Indian and this is considered to be the correct policy pursued by the Railway Board and we are told that there is possibility of the realisation of our legitimate aspirations within the constitution itself. I do not think a further refutation is necessary. I will only allude to one more matter. In the railway workshops training is afforded to Europeans and Anglo-Indians to a very efficient degree. Foremen and other higher appointments are made available to persons trained in these workshops. But Indians are nowhere. This glaring injustice attracted the attention of the Industrial Commission. I will read a sentence from the Report of the Industrial Commission. This is what they say:

"Railway workshops are, as we have stated, in many cases, already receiving European and Anglo-Indian apprentices to whom some degree of technical training is given with the object of enabling them to obtain posts as foremen or in special cases even higher appointments. There is, however, a noteworthy absence of provision for the middle class Indian. We consider it of great importance that the conditions of training should be such as the educated Indian youth will consider consistent with his sense of self-respect; for if this is not satisfied we shall be depriving ourselves of a most promising field of recruitment."

If the policy is directed by Indians in the Indian interests, is it possible that the workshops which are maintained at India's cost will not have room for India's sons to be trained there? With regard to the purchase of stores, several Honourable friends have alluded to it and the report of the Stores Purchase Committee of 1920 has in the main been ignored though to some extent it has been adhered to. That is because of two things, one, there has not been sufficient relaxation of rules which regulate purchases, and secondly, because of the influence of the India Office on the purchase of stores. The Indian Industrial Commission has drawn pointed attention to the fact and said that the experience of the Great War has taught us the necessity of making India self-sufficient in industrial output even with regard to the Railways so that they may not suffer when another great war comes.

Then, Sir, with regard to freights and fares I will not go into details, but there again the policy of giving relief to long distance traffic is also calculated to favour the capitalist and the rich. A poor man on an average travels short distances. I find, on an examination of these voluminous records which were furnished to us only the day before yesterday, that in most Railways the distance travelled by the poor people varies from 35 to 50 miles. It is not uniform on all Railways, but it is from 35 to 50 miles. What is the use of telling us that relief has been given to third class passengers travelling over 300 miles when the average travelled by a poor man is between 35 and 50 miles. In the case of goods, they are trans-

ported over long distances by foreign capitalists and merchants and there is no attempt made to facilitate short distance internal transportation of goods from one place to another in the interior of the country to relieve famine conditions or to encourage indigenous production and sale. In regard to third class passengers, while both the speeches of the Honourable Sir Clement Hindley and of the Honourable Sir Charles Innes make sympathetic references to their grievance and also promise redress, I find a good deal of over-caution and it is said that there is a certain amount of risk in proceeding more quickly in allowing a temporary drop in earnings. I think the caution expressed is over-abundant in view of the fact that, after paying a contribution of one per cent. on the capital at charge, also one-fifth of the surplus and one-third of the excess after taking Rs. 3 crores to the Reserves, we find our position very sound to-day. With a Depreciation Fund of Rs. 10 crores, with a Reserve Fund of about Rs. 12 crores and in addition a contribution of Rs. 18 crores to the general revenues during the last 3 years the position is so sound that irritating caution with regard to the relief of third class passengers is unnecessary and over-abundant. I think that the Government ought to take up a bolder attitude in the matter. Therefore, I think that, viewed from any standpoint the administration has not been satisfactory and the whole thing is due to the fact that we have not got the direction and control of the railway policy in our hands and that the policy is entirely controlled and directed by others. There are many more things that I wish to say, but I do not want to take up the time of the House as many Honourable Members wish to speak. I repeat once more my statement that the entire policy is wrong and until the Railway Board is Indianised, the service is Indianised, and the policy is Indianised, there is no use of telling us, "We have got this or that facility for examining the figures" which can be done by a clerk or an auditor. I therefore hope that Government will make up their minds and revise their entire Indian railway policy so that it can best serve the interests of India.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier: Nominated Non-Official): Sir, I warmly congratulate my Honourable friend, Sir Clement Hindley on the fact that the Budget which he had an opportunity of presenting to this House the day before yesterday is uncommonly good. The more one has the time to study it, the more one feels inclined to appreciate it. In studying the Budget one is often tempted to endeavour to find points in it, to which objections can be taken. But I venture to think that any one approaching the Railway Budget in this spirit will find very little to take exception to. There will be a difference of opinion with regard to the allocation of Capital expenditure and each Honourable Member will naturally be more impressed by the needs of his own province. Although each item under "New Constructions" appears to have been examined with care and with due and fair regard to the needs of the country generally, I do not think I would be going wide of the mark if I venture to draw the attention of this Honourable House generally, and the Honourable the Railway Member especially, towards the extension of the railway line in the Charsadda and Swabi Tahsils of Peshawar, the District, where the necessity for opening a line from Mardan is keenly felt by the inhabitants of the said localities, as it is expected to do much in the way of promoting trade and consequently peace and prosperity. In addition, it will be certainly remunerative. Apart from this I would suggest the opening of a line from Peshawar to Kohat through the Durra, and connecting it with Bannu. From Quetta to Hindubagh, the

[Nawab Mahomed Akbar Khan.]

railway line already exists. From Hindubagh to Fort Sandeman the line is under construction. There is a distance of 100 miles from Fort Sandeman to Tonk. This, if connected, will give a direct route from Quetta to Tonk and other important military stations on the frontier. Moreover, there ought to be a bridge at Mari Indus Kalabagh, as it will prove the means of an easy access into the North West Frontier Province from the Punjab. Another line connecting Kashmore and Dera Ghazi Khan should be constructed and this should be extended to Dera Ismail Khan and connected at Pessu. This project stands in need of no comment as its construction apart from the fact of promoting peace, tranquillity and civilisation, is of great importance from the strategical point of view.

The Decauville Railway between Tonk and Dera Ismail Khan should be converted into the Kalabagh Bannu railway gauge as early as possible because great trouble is experienced by the travellers in finding accommodation. There is one point that has been left out by the Honourable Lala Ram Saran Das, although he made a very exhaustive speech and I should like to bring that point forward. It is that water tank wagons should be attached to the trains passing through a cholera stricken area in order that passengers should not contract this disease by drinking infected water or some proper arrangements should be made at every station for the thorough disinfection of water to guard travellers and passengers in the trains against the danger of contracting disease. That was the point that my Honourable friend Lala Ram Saran Das told me to bring out in my speech.

There is another point, Sir, that some of the Honourable Members put questions in this House, and it is complained that the answers to those questions regarding Railways put in the Council are evaded and shelved and that when they insist on replies being given to them, they are asked to approach the Railway concerned through its Railway Advisory Committee. Well, Sir, personally I have had no occasion to make complaints myself, but of course people who are always greatly interested in the Railways do complain now and then.

As regards the expenditure of 30 crores of rupees to be incurred in the replacement of buffers and draw-bars by automatic couplers, I would like to remark that the spending of so much money on the replacement of things working quite satisfactorily is a bit hard on a poor country like India.

It is a matter of great pleasure to note from the budget estimates under discussion, that in spite of reductions in freight and fares the net receipts of the year 1926-27 are calculated to exceed the expenditure in the same year by nearly 10 crores of rupees. The reduction in the fares is quite welcomed, but I would like to bring to the notice of the Honourable Members that the restriction, namely, that it will not be given effect to in the case of Intermediate and third class passengers travelling under a distance of 50 miles will tell hardly on the majority of the passengers and especially in the North-West Frontier Province. There the majority of the people seldom chance to travel above 50 miles, and almost 80 per cent. of the population of that Province cannot afford to travel except in the third and intermediate compartments. Similarly, one cannot but see with joy the concession granted in respect of coal freight over and above the distance of 400 miles, although had it been a little more, it would have enabled us better to compete more safely in the industrial market. The freight on petroleum should also be reduced as both these commodities are not luxuries but are necessities of life.

As regards the Railway Reserves, it is a matter of great delight that they are expected to stand approximately at 10 crores of rupees, but keeping in view the objects for which these Reserves are to be used, I do not think the railway authorities will suffer them to decrease. Honourable Members of this House can have some consolation as to their increase every year from the words of the Honourable the Railway Member, who does not regard this as anything to boast about.

Before resuming my seat, I would like to say a few words with regard to the services in the Railway Department. It is a matter of thankfulness to the Government that the number of Indians in this Department is increasing every year, but on the other hand I regret to observe that they are given little chance in the Mechanical, Locomotive, Gas and Electric Departments. Would the Honourable the Chief Commissioner for Railways please see that Indians are allowed a better chance of acquiring practical training in these respects also? It would be better if an institution like that at Chandausi is opened at Lahore or Lyallpore on the North Western Railway as this is the most important and the largest line in India. The location of such an institution in the Punjab will enable the people of the North to avail themselves of the facilities intended by Government in respect of practical training in mechanical engineering.

*THE HONOURABLE RAI BAHADUR NALININATH SETT (West Bengal: Non-Muhammadan): Sir, with some of the speakers who have already spoken, I also think that the time allowed to the Members of this House for the study of the Budget is too short. I confess, Sir, that I have not been able to go in detail into these papers. I shall therefore confine my remarks, specially with reference to the province which I have the honour to represent here, to a few points. Speaking on behalf of the inhabitants of Calcutta, I regret that no decision has yet been arrived at with regard to the bringing of the railway system within easy reach from the centre of Calcutta. Comparing Calcutta with Bombay we find that the inhabitants of Calcutta are much worse off in the matter of travelling from and to their suburban homes from the business quarters of Calcutta. While the suburban areas of Bombay are now being served by electric trains, Calcutta has no chance of having such a convenience within a year or two. I would therefore urge on the Honourable Member in charge to try to expedite matters. There is a great deadlock in connection with the expansion of the town of Calcutta northwards owing to the existence of the Chitpur marshalling yard. It would certainly be proper and expedient to remove the yard to some distance thereby setting free the vast area occupied by it for the expansion of Calcutta. In this connection I would like to draw the attention of the Honourable the Chief Commissioner to the inadequate width of the overbridges in and near Calcutta. These bridges when constructed were no doubt adequate and wide enough, but the condition of traffic over these bridges has considerably altered and these bridges have at present become quite insufficient. I hope, Sir, that in connection with the inquiry for having a central railway station in Calcutta the improvement of these overbridges will also be favourably considered. There are some important railway stations which have no overbridges, such as Simultala station on the East Indian Railway. At such an important station as Madhupur on the East Indian Railway the overbridge does not cover a

*Speech not corrected by the Honourable Member.

[Rai Bahadur Nalininath Sett.]

new goods siding and people have to crawl under the wagons when a train is standing in order to reach the railway station. I think, Sir, that these defects, although very minor, ought to be remedied at once.

THE HONOURABLE SIR CLEMENT HINDLEY (Chief Commissioner: Railways): Sir, I wish first of all to thank Honourable Members of this House who have congratulated the Railway Department on the Budget for their many encouraging remarks about the work we are trying to do. There have been a few dissentient voices, but I recognise that that must always be the case in a controversial matter like our Railways. The Honourable Mr. Bell has complained that we did not give him sufficient time to read the 19 volumes of statistics and figures which necessarily accompany our Budget. I can only say that I am very sorry about it, but I am not at all certain that the Honourable Mr. Bell ever really meant to read those volumes even if we had given him longer time. The actual allotment of days for this business depends, as the Honourable Mr. Bell and others know, on the business which the Council has before it, and I cannot undertake that longer time shall be provided between the presentation and the discussion. The business must be regulated by other business in hand. At the same time I will make note of his complaint, which was voiced by others. The Honourable Mr. Bell expressed himself as being satisfied with the results of separation of finances and particularly urged the Railway Board not to submit to pressure from any source to depart from their policy of steadily building up reserves. I was glad to have that statement from the Honourable Mr. Bell, but I was rather unprepared for his next statement, namely, that he thought we should at once proceed to grant a larger rebate on export coal. I am quite aware that he said that this should be subject to his previous remarks, but the two things to my mind, Sir, are at first sight incompatible.

Then, Sir, I was asked or perhaps the Honourable Mr. Bell was trying to draw me—in a slang term perhaps he was trying to pull my leg—about the Howrah Bridge. The Honourable Mr. Bell knows perfectly well, I think, that the Howrah Bridge at the present moment is under the consideration of the Government of Bengal and it is not before us as a subject. He knows perfectly well that the future Howrah Bridge has always had my sympathy and will always continue to have it. But I am not at the moment prepared to extend very much sympathy, as I said last year, to the people of Calcutta who will not make up their minds to build the bridge and be done with it. We feel exactly as he does about the electrification of suburban railways in Calcutta and we intend to push that scheme forward as soon as we have a satisfactory report.

Sir, the Honourable Mr. Manmohandas Ramji pointed out rather an interesting series of figures with regard to the working expenses of certain railways before and after they came under State management. He pointed out that the Great Indian Peninsula Railway working ratio was at present 69 per cent. whereas Company lines like the Madras and Southern Mahratta Railway and the Bombay, Baroda and Central India Railway were working in the neighbourhood of 60 per cent. It is always possible to use figures like these to get any particular argument. But perhaps the Honourable Mr. Manmohandas Ramji does not remember that about three years ago the Great Indian Peninsula Railway as a Company-managed railway was

working at about 90 per cent. That is to say, its working expenses were very nearly equal to its earnings. It is now working at 69 per cent. That is my answer. This matter, as the Honourable Member himself knows, was threshed out several years ago.

I cannot attempt to deal with all the subjects that the Honourable Rai Bahadur Lala Ram Saran Das dealt with in his speech because many of them, as he would admit himself, deal with matters of detail in a particular part of India and it is not possible for me at this moment nor would it be in accordance with the wishes of the Council to go into them in any detail. But I wish to mention one or two matters which he brought up. As opposed to the Honourable Mr. Bell, the Honourable Rai Bahadur asked that we should not give rebate on export coal but should reduce the long distance coal freights by another 15 per cent. Well, Sir, that is a very nice proposition for the people who live at long distances. But I want the Honourable Rai Bahadur and others to again read our papers and to see how difficult it has been to make the reduction that we have made. We have taken great risks of losing revenue by making that reduction and I want the Council to realise that we cannot go forward rapidly in this matter. As I said in my speech, we must make experiments and we must see the effect before we go further. It is doubtful indeed whether, with our present expenses, it would be a remunerative proposition, to carry coal at long distances at a lower rate than we have at present. We have to remember the increases in our working expenditure, that is to say, the increase in all our fundamental expenses as compared with a few years ago. The Honourable Rai Bahadur asked for my particular sympathy in regard to certain literate apprentices in the North Western Railway workshops who were appointed and received their training before the present arrangements with the Maclagan College were made. I have no knowledge of the rumour that these young men will not get appointments, but I do not believe that they are going to be thrown out in the streets. I have no reason to believe that if they have completed their training satisfactorily there will be any difficulty in finding places for them. As the report of the Industries Commission has been mentioned I would say that it was expressly recommended to us by the Industries Commission that railway workshops should try and train mechanics and literate Indians for mechanical work not only for Railways but for outside work, and in railway workshops like Moghulpura they do get an all-round mechanical training and therefore have something in their hands which they had not got before they went there.

I wish to contradict one statement that my Honourable friend the Rai Bahadur made that they were trained only for railway work and were of no use for outside work.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I think what I said is right, because those apprentices are being trained in one particular department, either in the erecting, millwright or some other department.

THE HONOURABLE SIR CLEMENT HINDLEY: I cannot go into details now, but my impression is that the present course of training takes them through all the workshops in the railway and they get very varied experience.

I would also like to correct another impression which is unhappily prevalent that training schools like Chandausi will necessarily take men straight away from their subordinate duties into the superior services. The

[Sir Clement Hindley.]

training school at Chandausi is primarily for training the staff in their duties so as to make them more efficient in their duties and qualify them gradually for getting up in the service, but because those ten station masters to whom reference has been made have been through the school and have passed the examination, it does not follow that they can at once expect to get promotion. Our object is to take all the staff through that school and improve them in their duties so that they can gradually get promotion.

The Honourable Rai Bahadur in the last of his remarks said that we were going to spend something like 20 crores of rupees on the getting of our rolling stock for automatic couplings and he compared this with the work that is being done in Bombay on the Back Bay Reclamation scheme. There is no comparison at all between these two things, and I am sure the Honourable Member did not intend us to take his remarks seriously. In the first place this is an ordinary business matter which has to be attended to. We do not propose to spend anything like 20 crores. If we go through this work we expect to spend 5 or 6 crores spread out for a number of years. I expect very great benefit to result in the matter of reduction of expenses and in the reduction of first cost of new rolling stock and considerable benefit to the staff who have to do the work of coupling of wagons. I should like to say that this is not extravagance of any kind. It is an essential improvement which we must make in our rolling stock in order to carry the heavier traffic and it is also going to be the means of reducing the risk to workers who have to couple up wagons. With these automatic couplings there will not be such great risk to the men who have to do the coupling. I therefore deprecate the matter being considered as a sort of extravagant adventure. It is a very necessary requirement of our railways and I hope it will go forward rapidly.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: One word . . .

THE HONOURABLE THE PRESIDENT: The Honourable Member is not entitled to another speech.

THE HONOURABLE SIR CLEMENT HINDLEY: Now, Sir, I come to the speech of Dr. Rama Rao, and perhaps I might include with that speech some remarks made by Mr. Ramadas Pantulu. Really, Sir, I cannot believe that the Honourable Mr. Ramadas Pantulu intends me to take quite seriously some of the things he said to-day. It seemed to me, that while he had been contemplating the state of India when there were only a few miles of railway running out of Calcutta and running out of Madras, he had become obsessed with things of those days, and that his mind had not moved forward from that period to this, because he did not seem to know anything about what we have been doing in the last few years on the Railways. If he had read our papers a little more carefully or had studied the subject with that earnestness which he puts into his statements I am quite certain he would not have come to the conclusions which he did. He quoted and read at considerable length a statement from the Industrial Commission's Report. He said things are very backward in regard to the training of Indians as mechanics and that even the Industrial Commission brought this to notice. When did the Industrial Commission sit? In 1915. I think it was in 1915 that that Report was written; more than 10 years ago. Does the Honourable Member intend this House to believe that the state of affairs is now as it was when it was reported on by the

Industrial Commission? Has the Honourable Member tried to find out what we have been doing to improve the training of Indians as mechanics in the workshops and the recruitment of Indians as mechanics? The Honourable Member must be completely ignorant of what has been done at Jamalpur, at Moghulpura, at Kanchrapara and half a dozen other centres where technical schools have been built and hostels have been built and where Indians are now being trained, and where, as another Honourable Member pointed out, the boys who went in for five years' training, have now come out fully trained. That is all I have to say on that subject. The Honourable Mr. Ramadas Pantulu is completely out of date in his information of what we are doing in training on our Railways.

Then, Sir, we have had several statements made by our critics here to the effect that the policy laid down for stores purchase has been completely ignored. I strongly deprecate statements of this kind because we are following out the policy laid down by the Stores Committee, which policy has been embodied in the Stores Purchase Rules. It is only necessary, if any Honourable Member wishes to ascertain the facts to see what we have been purchasing in India and what we have been purchasing abroad, as shown by the figures in our published statements, which shew that a steadily increasing amount of our stores are being purchased in India. One individual case has been mentioned, where the Agent of the Great Indian Peninsula Railway has called for tenders for certain jarra wood sleepers. Well, Sir, there are cases where the indigenous product is not altogether suitable. I reserve my judgment in this particular case; but I wish to say that there is no injustice to India in calling for tenders for materials. After all it is matter of finding out whether the material is cheaper and can be produced cheaper abroad than the indigenous article, or whether the indigenous article is cheaper.

The Honourable Mr. Ramadas Pantulu charged us with excessive caution. He said that we had given a very meagre reduction in fares and rates. He sees a very large reserve and he thinks there should be no need for caution. In the next sentence he went on to say that he regretted very much that this House did not control the Railways, and perhaps he regretted that he and his Party did not control the Railways. Now, Sir, if that is a sample of what he would do if he had control of the Railways, that he would throw all caution to the winds the moment he got a small reserve fund and reduce rates and fares wholesale for the good of the people, instead of first building up reserves, then, Sir, I hope that day may be distant. But I do not think he really meant that.

THE HONOURABLE MR. V. RAMADAS PANTULU: Over-caution, too much caution!

THE HONOURABLE SIR CLEMENT HINDLEY: Well, Sir, the amount of caution any one is entitled to use in a matter of this sort must be a matter for very careful consideration; and I gathered the Honourable Member would use considerably less caution than we should and take much greater risks. At the same time I claim that in view of the possible difficulties in the future in finding the money necessary for our heavy obligations we have gone as far as we can and as far as caution advises us to go. We have promised—the Honourable the Railway Member promised and I myself in my speech promised—that the matter was being further examined; and we do not propose to stop further examination of the subject, simply because we have been able at first examination to make some reductions.

[Sir Clement Hindley.]

I think, Sir, I must leave the various suggestions that were made for additional construction in various parts of India and not comment on them now. We shall have them on the record and refer to them in preparing future construction programmes. But I would like to suggest that some Honourable Members seem to have spoken without having had time to fully study what new lines are proposed in their particular localities.

The last suggestion made by the Honourable Member from the North-West Frontier Province was that we should have further institutions like that we have at Chandausi. He mentioned that he would like to see one at Lahore or Lyallpur. Well, Sir, I have already announced that we are setting up one at Lyallpur which will give training to railway employees in a large portion of the Punjab. We may have one further West later on, but we want this established first at Lyallpur.

I think, Sir, that I have now answered the main criticisms that have been put forward.

THE HONOURABLE SIR CHARLES INNES (Member for Commerce and Railways): Sir, I feel that I have not much excuse for addressing the Council of State this morning, but I do wish to express my regret that an important Select Committee prevented me from attending the earlier part of this debate. Sir Clement Hindley has dealt faithfully with my Honourable friend Mr. Ramadas Pantulu; but I must confess that I myself have a good deal of sympathy with the Honourable gentleman. When I heard his speech it struck me that what the Honourable Member really would have liked would have been a really bad Budget when the Honourable gentleman would have had a really good excuse for an attack upon the Government. But as it was, with the Budget as it is, the Honourable Member laboured very heavily. He had to trot out all the timeworn fallacies which I thought had been put away for ever. The Honourable Member told us that the policy of the Indian Railways was directed solely for the benefit of the foreign capitalist. He made the startling announcement that our Railways were based mainly upon our ports. He went on to say that our railway rates were so designed as to facilitate the import of foreign goods and to encourage the export of raw materials. Well, Sir, that old superstition was dealt with in 1921 by the Acworth Committee. The Acworth Committee said:

"In one respect, at least, the Indian Railways have refrained from following the accepted railway practice in other countries. It is usual in most countries to concede for export traffic through a sea-port rates which are not available to that seaport for local traffic; and *vice versa* in countries which adopt a free trade policy, to fix lower rates for the carriage inwards of goods imported through a port than for goods produced locally at the port town. This practice is not, so far as we have been able to ascertain, followed in India, Bombay receives from upcountry large quantities of raw cotton, part of which is worked up on the spot and part exported. Similarly, Bombay distributes to upcountry points large quantities of cotton cloth, part of it locally manufactured and part imported. The raw cotton rates down to Bombay port and to Bombay town are the same, and so are the manufactured cotton rates upwards. The same principle, we understand, is applied elsewhere, in the case, for instance of the great Calcutta jute trade."

Now, Sir, I think that before the Honourable Member repeats these hoary old fallacies he really ought to make himself conversant with the literature existing on subjects of this kind. Again, Sir, he used rather an extraordinary argument. In repeating his statement that the Railways existed

solely for the benefit of the foreign capitalist, he pointed out that in reducing third class passenger fares we had mostly reduced long distance fares; he gave that as an instance of the way in which we favoured the capitalist; but surely the Honourable Member must see that the capitalist does not use third class carriages; still less does the foreign capitalist. I think, Sir, the time is past for statements of the kind that Mr. Ramadas Pantulu just made. I have now been connected with the Indian Railways for five years. I have assisted in this House and in the other House in many debates on railway questions. Particularly in the other House, three or four years ago, statements of this kind were made; but my experience is that these statements are being made less and less; and I think it is beginning to be realised generally that the Government of India and the Railway Department have made it their aim and their sole and single-minded aim to develop the Railways to the best of their ability in the interests of India and in no other interest. I have always had from this Council full recognition of that fact, and I am glad to say that in the other House that fact is being recognised more and more; and I do suggest for the consideration of my Honourable friend that he should reconsider his position in this matter, and that before he makes statements of this kind he should, as I have said before, try to make himself acquainted with the literature which exists upon the subject.

There is just one more subject to which I wish to refer before I sit down, and that is the old and ancient question of Indianisation. Every time I speak upon the Railway Budget I speak upon this particular question. I am quite prepared to admit, Sir, that up to a few years ago Indians were not commonly employed, at any rate, in superior appointments on Indian Railways. But during the last five years there has been a considerable change in this respect. I had the figures taken out only the other day; and if we exclude those departments for which facilities of training do not now exist in India—I am referring to such departments as the Carriage and Wagon and Locomotive Departments—I find that in the last five years 65 per cent. of such vacancies have been filled by Indians, and I claim that that is a very real improvement. It is perfectly true that there are not at present very many Indians in the higher appointments in the Railway Department; but, Sir, as was said in this debate in this Council last year, it must be a question of time before we reach that result. All our higher appointments in the Railway Department are technical appointments; for them we require special knowledge and above all special experience, and you cannot measure the progress of a policy by an hour glass. It is perfectly useless every few months to get up and say "Why have you not got Indians in the higher appointments in the Railway Board?" You must give time for a policy of this kind to work out. But I do claim that we have made in the last few years a very real advance. Even in the Railway Board itself there has been a very great advance ever since last year. Last year in the Railway Board we had 22 gazetted appointments and five Indians. This year we have 17 and seven Indians. Below the Railway Board itself there are Directors and this year two out of the five directors are Indians; and I wish to make it plain that those Indians were not appointed to those particular posts because they were Indians; they were appointed because they were what we considered to be the best men for those jobs; and I claim that that is the only right principle to follow. You must get the best qualified men for higher appointments of this kind; but what I say is that if the best

[Sir Charles Innes.]

qualified man happens to be an Indian, well, nobody is more pleased than I. I think, Sir, that we can claim that in the Railway Department, whatever the Honourable Mr. Ramadas Pantulu may say, that in the last five years, we have made a very great improvement in our Railways. I believe, Sir, that there are very few countries in the world that can show such satisfactory results from their Railways as India has been able to do in the last few years. We are improving the permanent way, we are improving our arrangements for traffic every year, and if only people would trust us. if only they would recognise that we are trying to do our best for India, I am perfectly sure that Sir Clement Hindley and the men who are working with him in a very few years' time will have made the Railways in India an even better instrument of commerce than they are to-day.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, the lists of business for Monday and Tuesday next week are already in the hands of Honourable Members and the list of business for Wednesday will reach them this evening.

On Thursday next motions will be made for the consideration and passing of the Promissory Notes (Stamp) Bill, the Legal Practitioners (Amendment) Bill and the Trade Unions Bill. The House is aware that the General Budget will be presented on Monday, March the 1st. The principal business for Tuesday, March the 2nd, will be the Contempts of Courts Bill, while Wednesday, March the 3rd, is a non-official day.

With a view to give Honourable Members an opportunity of studying the General Budget prior to its discussion on the following Saturday, it is proposed that the Council should not meet on Thursday, the 4th, and Friday, the 5th March.

The Council then adjourned till Eleven of the Clock on Monday, the 22nd March, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

MONDAY, 22nd FEBRUARY, 1926

Vol. **VII**—No. **8**

OFFICIAL REPORT

CONTENTS

Members sworn.

Statement laid on the Table.

Indian Medical Education Bill—Introduced.

Election of a Panel for the Central Advisory Council for Railways.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas

COUNCIL OF STATE.

Monday, 22nd February, 1926.

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

MEMBERS SWORN:

The Honourable Raja Moti Chand, C.I.E. (United Provinces Southern: Non-Muhammadan); the Honourable Sir Chettur Sankaran Nair, Kt. (Madras: Non-Muhammadan); and the Honourable Raja Sri Rawu Swetachalapati Ramakrishna Ranga Rao Bahadur of Bobbili (Madras: Nominated Non-Official).

STATEMENT LAID ON THE TABLE.

THE HONOURABLE MR. J. CRERAR (Home Secretary): I lay on the table a statement giving information which was promised in reply to a question asked by the Honourable Mr. Anugraha Narayan Sinha, on the 10th February, 1926, regarding Committees appointed in 1922—24.

Year.	Names of Committees.	Report submitted or not.	Expenditure.	REMARKS.
			Rs. A. P.	
1922	Committee on Public Petitions.	Yes.	*Nil.*	
	Staff Selection Board Committee.	,,	*Nil.*	
	Indian Arms Rules Committee.	,,	16,046 1 0	
	Frontier Enquiry Committee.	,,	76,550 0 0	
	Railway Industries Committee.	,,	*Nil.*	
	Seamen's Recruitment Committee.	,,	7,883 13 11	
	Railway Risk Note Committee.	,,	4,186 0 0	
	The Indianization Committee.	,,	Not known.	
	The Waziristan Committee.	,,	Ditto.	

Year.	Names of Committees.	Report submitted or not.	Expenditure.	Remarks.
			Rs. A. P.	
1922	The Braithwaite Committee.	Yes.	22,448 0 0	
	The Indian Retrenchment Committee.	,,	71,000 0 0	
	Bengal Pilot Service Committee.	,,	6,000 0 0	Estimated.
	Machinery Committee .	,,	1,200 0 0	
	Railway Depreciation Fund Committee.	,,	38,933 0 0	
	Railway Statistics Revision Committee.	,,	27,870 0 0	
	New Capital Enquiry Committee.	,,	8,500 0 0	
	Preliminary Committee on Workmen's Compensation Bill.	,,	3,913 0 0	
	Joint Committee on the Cotton Transport Bill.	,,	1,843 0 0	Committee met when the legislature was not in Session.
	Joint Committee on the Indian Boilers Bill. Joint Committee on the Indian Mines Bill.	,,	3,951 13 0	Ditto.
1923	The Tariff Board . .	...	1,52,065 (1923-24) (actual) 1,97,800 (1924-25) (Revised Estimate) 1,89,744 (1925-26) (Estimated).	The Board has submitted 8 reports so far. It is still at work.
	Indian Mercantile Marine Committee.	Yes.	1,37,623 0 0	
	Committee to make recommendations regarding the re-organization of the administrative methods of the Forest Department.	,,	4,450 0 0	Approximate.
	Coal Dust Committee .	The Committee submitted its first report in May, 1924. Its investigations have not yet been completed. Further experimental work is being carried out.	A sum of Rs. 7,592 has been incurred up to September 1925. It is anticipated that a further expenditure of Rs. 2,400 will be incurred.	
	Committee on Police Uniforms.	Yes.	1,500 0 0	Estimated.
	Calcutta High Court Retrenchment Committee.	,,	2,934 0 0	

Year.	Names of Committees.	Report submitted or not.	Expenditure.	Remarks.
			Rs. A. P.	
1923	Indian Bar Committee .	Yes.	1,17,000 0 0	Approximate including printing charges.
	Royal Commission on Superior Services in India.	,,	4,70,000 0 0	Approximate.
	Select Committee on the abolition of Transportation Bill.	,,	180 0 0	,,
1924	Civil Justice Committee	,,	2,82,867 0 0	Excluding the cost of printing.
	Reforms Enquiry Committee.	,,	46,000 0 0	
	Carriage and Wagon Standards Committee.	,,	74,198 0 0	
	Locomotive Standards Committee.	,,	33,569 0 0	
1924	Colonies Committee .	The Committee was not instructed to submit a report and did not, as a Committee submit any report.	37,770 4 0	
	Auxiliary and Territorial Forces Committee.	Yes.	17,500 0 0	Estimated.
	Indian Taxation Inquiry Committee.	Report expected shortly.	5,00,000 0 0	Approximate
	External Capital Committee.	Yes.	Negligible and not separately recorded.	
	Coal Committee . .	,,	76,162 0 0	Approximate.
	Post and Telegraph Committee.	,,	28,500 0 0	
	Standing Emigration Committee.	...	5,140 12 0	This is a Standing Committee and meets when the legislature is in sessions. It is elected annually. No formal reports of the meetings of the Committee are submitted.
	Committee of Enquiry into the working of the London Timber Agency of the Government of India.	Yes.	£754 10 0	

INDIAN MEDICAL EDUCATION BILL.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, I beg leave of the House to introduce a Bill to regulate medical education in India.

The object of the Bill is clearly set forth in the Statement of Objects and Reasons appended to the Bill. Let me, however, make a brief statement explaining the necessity for and pointing out some of the salient features of the Bill. The Bill follows, in the main, the principles and procedure contained in the British Medical Act of 1886. The first attempt at medical reform in India was made in 1914, when the Madras Medical Registration Act III of 1914, and the Bengal Act VI of 1914, were passed. The other Presidencies and Provinces followed suit with the result that we have now 8 different pieces of legislation in 8 different Provinces pertaining to the registration of medical practitioners. The objects of the legislation undertaken in the Provinces are no doubt identical and they are (i) to constitute a body called the Medical Council, which is responsible for the preparation and maintenance of a register of medical practitioners possessing certain qualifications and (ii) to secure that practitioners who are registered shall enjoy certain privileges and that those who are not registered shall suffer certain disabilities. Thus, it will be seen that the primary function of a Provincial Medical Council is merely to supervise the maintenance of the register of medical practitioners in the respective Provinces. The principal defects in the existing Provincial Medical Registrations Acts are lack of uniformity and full reciprocity. Further, these enactments have more to do with ethics and discipline than the organization, direction and control of medical education. The removal of existing anomalies and the securing of uniformity and full reciprocity can only be obtained by legislation initiated by the Government of India and this Bill is intended to supply that want.

Another point to which I would like to invite the attention of this House is the attempt made in this Bill for the establishment of a qualification in the indigenous methods of treatment which are independent of western medical science but which administer to the needs of a large population in this country. The Government of India and the various Provincial Governments have begun to recognize, of late, the usefulness of these systems of medicine and have even gone to the length of establishing indigenous schools of medicine in important provincial centres for imparting instruction in these systems. This Bill merely provides for a future contingency, when the degrees and qualifications in the indigenous systems of medicine come to be recognized by the proposed All-India Medical Council. The Council will then sanction the constitution and working rules and leave the rest to any Faculty of Indigenous Medicine that may come up hereafter. A similar device exists even in the General Medical Council of Great Britain where practitioners belonging to the homœopathic school of medicine are thus admitted to the Council. I am simply adopting that procedure here. With these words, Sir, I request the leave of the House to introduce the Bill.

The motion was adopted.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: Sir, I introduce the Bill.

ELECTION OF A PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE MR. D. T. CHADWICK (Secretary, Commerce Department): Sir, I beg to move:

"That this Council do proceed to elect in such manner as may be approved by the Honourable the President a panel consisting of 8 members, from which 6 shall be selected to serve on the Central Advisory Council for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of railway finance."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the motion just adopted by the Council I understand that the Department concerned is desirous that the panel should be completed at a very early date, and I therefore announce to the House that nominations to this panel for the Central Advisory Council for Railways will be received by the Secretary up till 12 Noon to-morrow, and that in the event of an election being necessary the election will be held on Thursday, the 25th instant. With reference also to the terms of the motion just adopted I shall announce to-morrow, should an election prove necessary, the form which the election will take. I may also remind elected Members of the Council that the election of their representatives to the Court of the Delhi University will be held in the Members' room to-day immediately.

The Council then adjourned till Eleven of the Clock on Tuesday, the 23rd February, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

TUESDAY, 23rd FEBRUARY, 1926

Vol. **VII**—No. 9

OFFICIAL REPORT

CONTENTS

Questions and Answers.

Code of Civil Procedure (Amendment) Bill—Passed.

Indian Naturalization Bill—Passed.

Steel Industry (Amendment) Bill—Passed.

Insolvency (Amendment) Bill—Passed.

Code of Criminal Procedure (Second Amendment) Bill— Passed.

Madras Civil Courts (Amendment) Bill—Passed as amended.

Resolution *re* **Grant of Supplementary Assistance to the Tin-plate Industry—Adopted.**

Nominations to the Panel for the Central Advisory Council for Railways.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas

COUNCIL OF STATE.

Tuesday, 23rd February, 1926.

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

QUESTIONS AND ANSWERS.

Railway Freight on Rice from Khulna to Kalighat on the Eastern Bengal Railway.

107. The Honourable Mr. MAHMOOD SUHRAWARDY: Is it a fact that the rate of railway freight on rice from Khulna to Kalighat on the Eastern Bengal Railway was increased from 1/9 pies per maund in 1912 to 3/1 pies per maund in 1922?

Increase of the Maximum Rate of Railway Freight on Food Grains

108. The Honourable Mr. MAHMOOD SUHRAWARDY: Will the Government be pleased to state why the maximum rate of railway freight on food grains was raised in 1922 from ·33 pies to ·38 pies per maund per mile?

Reduction of the Railway Freight on Food Grains.

109. The Honourable Mr. MAHMOOD SUHRAWARDY: Will the Government be pleased to state if any proposals are under consideration to reduce the present freight on food grains?

The Honourable Sir MUHAMMAD HABIBULLAH (on behalf of the Honourable Mr. D. T. Chadwick): I propose to answer questions Nos. 107 to 109 together.

In 1922, in order to meet the heavy increase in working expenses of Railways, it was found necessary to enhance the maximum rates chargeable on goods traffic from 15 to 25 per cent. The maximum rate for food grains was accordingly raised from ·33 pie to ·38 pie per maund per mile which represented an increase of 15 per cent. The Railways have power to quote rates between the prescribed maxima and minima according to local circumstances and the existing scales for food grains in force over the principal Railways show that the rates generally charged are below the maximum. In the circumstances Government have no intention of recommending any general reduction in rates for food grains.

Congestion of Third Class Passenger Traffic on State Railways.

110. The Honourable Mr. MAHMOOD SUHRAWARDY: Will the Government be pleased to state whether any and, if so, what steps are proposed to be taken to relieve the congestion of passenger traffic in third

class railway compartments on the several State Railways in India, and to give third class passengers greater comforts?

THE HONOURABLE MR. D. T. CHADWICK: It is impossible within the scope of an answer to detail all that the railways have been doing for improving the conveniences for third class passengers. The baldest summary of what has been done for third class passengers occupies 4 pages in print in the Administration Report of the Railway Board for 1924-25. I must therefore invite the attention of the Honourable Member to pages 67 to 71 of that Report. I would mention, however, that during the last two years there has been an addition of two million passenger train miles.

REDUCTION OF FARES FOR THIRD CLASS PASSENGERS ON STATE RAILWAYS.

111. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will the Government be pleased to state whether any and, if so, what steps are being taken to reduce third class passenger fares on the State Railways of India?

THE HONOURABLE MR. D. T. CHADWICK: The question of reducing passenger fares has been receiving careful consideration by the Railways, and as a result most of the Railways are reducing third class fares according to local circumstances. A fairly complete list of recent changes is published in the proceedings of the Standing Finance Committee on Railways which was printed about three weeks ago.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill further to amend the Code of Civil Procedure, 1908, as passed by the Legislative Assembly, be taken into consideration.

This is a very short Bill which carries out one of the recommendations of the Civil Justice Committee. Under section 103 of the Civil Procedure Code in a second appeal the High Court may, if the evidence is sufficient, determine a question of fact which has been left undetermined by the lower appellate court. But it has no power to determine a question of fact which has been determined by the lower appellate court, though the lower appellate court came to that finding upon a misreception of evidence or through an error in law. The Civil Justice Committee pointed out that the High Court should have power to determine a question of fact where the decision of the lower appellate court was arrived at through misreception of evidence or other error of law. This Bill is merely to give effect to that recommendation.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move that the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as passed by the Legislative Assembly, be taken into consideration.

The law in India on the subject of naturalization for the last 70 years has been regulated partly by the British Statute and partly by an Act of the Indian Legislature, the Act of 1852. The Act of 1852, as necessarily follows from the limitations imposed upon the legislative powers of the Indian Legislature, provided only for local naturalization, that is to say, for naturalization within the limits of British India. That Act was of a somewhat antiquated character and its amendment was under consideration when the Imperial law of naturalization was consolidated and re-enacted in the form of the British Statute of 1914. One of the objects of the British Statute of 1914 was, firstly, to devise a naturalization procedure which should be as far as possible valid throughout the British Empire. It was also devised to restrict as far as possible the provisions for local naturalization. It was obviously inconvenient that there should be any considerable number of persons whose status as British subjects was restricted to one area in the British Empire. That was inconvenient to the grantees of such naturalization certificates themselves because their position was ambiguous and was frequently misunderstood not only by themselves but by others. It was inconvenient also to our authorities abroad, such as consular officers as their assistance was invoked as British subjects by persons who did not hold that status, *e.g.*, in the Straits Settlements. When we came to consider, however, the effect of the British enactment of 1914, although it confers upon the Government in India powers in certain circumstances to grant certificates of naturalization of empire-wide validity, the question arose as to whether that was really sufficient for our purposes. The question arose as to whether the provisions for a certain measure of local naturalization, as they had subsisted hitherto in India, did not in fact perform a really useful function, and though the considerations of uniformity which underlay the re-enactment and consolidation of the British Act were of importance, nevertheless it appeared to us that a very considerable amount of inconvenience would be inflicted if the restrictions on naturalization were carried so far as to abolish the modest provisions already standing on our Statute-book. After some discussion we prevailed on His Majesty's Government to permit us to proceed with this measure. It is based to a very large extent on the provisions of the British Act and those of our old Act brought up to date. I mentioned just now that the British Act does confer on the authorities in British India certain powers for the grant of naturalization certificates which would be of empire-wide validity. One of the prescriptions of the British Act was that all applicants should be able to speak either English or some one language which was accepted in any particular British possession as the equivalent of English. That obviously presented very serious difficulties in India. I do not intend to embark on any of those difficult questions of a linguistic character which we have recently had before us in another connection, but I think it is apparent that it would be impossible to prescribe any one Indian vernacular as being substantially equivalent to English throughout the whole of the presidencies and provinces of India. It was necessary therefore to devise some provision which would enable Local Governments, in respect of their own territories, to certify

[Mr. J. Crerar.]

that some particular vernacular was one of the principal vernaculars of the presidency or province.

Those really are the most material provisions arising out of this measure. Perhaps I had better invite the attention of the House to one matter upon which a good deal of misapprehension has been felt with regard to this measure, that is to say, what are precisely the class of persons whom we desire to benefit by this measure. It has nothing to do with persons who already have the status of British subjects or with citizens of States in Europe or America. It has not very much to do with persons whose normal course of acquiring British naturalization would be through the medium of His Majesty's Government. It is mainly concerned with citizens of States bordering upon India, or persons residing in areas bordering upon India who perhaps in many cases have no very definite national status at all, but who have interests in India and who desire to settle in India and to obtain the privileges of British Indian subjects. I may take the instance of a merchant who came from Tibet, settled in Darjeeling, married a hill girl there and acquired very considerable business in the sale of curios and objects of art. His interests lay wholly in India and he had no intention to return to the wilds of Tibet. It would be a great hardship if men in that position were not allowed to acquire the status of British Indian subjects. There is also the pretty large class of subjects of Indian States who are not strictly speaking within the rigid letter of the law, born within the dominions and allegiance to His Majesty. Many such cases necessarily occur among the large flourishing and enterprising commercial communities whose place of origin is in an Indian State but who nevertheless form no inconsiderable part of the enterprising commercial community of such a large city as Bombay. It would, I think, be inequitable if we did not continue provisions which would enable, say the Khoja merchants settling in Bombay to acquire the status of British Indian subjects. That is the object of the Bill which I now commend to the consideration of the House.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4, 5 and 6 were added to the Bill.

Clauses 7, 8, 9, and 10 were added to the Bill.

Clauses 11, 12, 13, 14, and 15 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. CRERAR: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I wish to say only one word. I am told that there are certain countries which place restrictions upon the rights of Indians to

acquire real property, even if Indians become naturalized subjects of those countries. I am told that in Japan retaliatory provisions exist. The attention of the Government was drawn to this fact in the Assembly and Mr. Tonkinson promised to consider the question and introduce further legislation if it was a fact. I only wish to draw the attention of the Honourable the Home Secretary to this fact that, if there is such a distinction observed in other countries, I hope that Government will be willing to examine the question and take necessary action in the matter.

THE HONOURABLE MR. J. CRERAR: Sir, if I may be allowed at this stage to answer the point raised by my Honourable friend opposite, I would point out that under clause 5 (*1*) of the Bill powers are reserved in granting certificates of naturalization, to except such rights and privileges as may be specifically withheld by the certificate.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as passed by the Legislative Assembly, be passed."

The motion was adopted.

STEEL INDUSTRY (AMENDMENT) BILL.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to move that the Bill to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act, in respect of railway wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages, as passed by the Legislative Assembly, be taken into consideration.

The reason for this amending Bill is very simple and practical. This Council will recollect that it passed the Steel Industry (Protection) Act in June, 1924. Section 4 of that Act permitted the Governor General in Council to pay 7 lakhs a year for three years by way of bounties on wagons manufactured in India. Immediately after that Act was passed tenders for wagons were called for and orders were placed in August, 1924. By that time, however, five months of that official year had passed, and as it takes any manufacturer some time, after getting his order, to collect his material, it was impossible in that year to pay out the whole of the 7 lakhs of bounties that was authorised for that year by the Act. In fact, as every business man knows, and the House will see at once, what the Railway Board wishes to know in this matter of bounties is what bounties are available at the time when they are placing the orders. They are not so much interested as to what is happening at the time at which the wagons are delivered, but it is when they are placing orders and are comparing the different prices of tenders, it is then that they want to know what amount of bounty is available. That is the great reason of this Bill. We are in fact changing the form of this section round, and as the House will see, we are giving the Governor General in Council permission to incur liabilities for bounties at the time when the orders are placed. Arising from the same practical business fact there is

[Mr. D. T. Chadwick.]

another difficulty. This Steel Protection Act is in force to the 31st March 1927, and next year there will be a complete inquiry into the steel industry. This Council will probably at about this time next year be considering whatever recommendations are then made, if any. But in August, 1926, it will be about time for the Railway Board to place their orders for wagons for delivery next year, and therefore they will wish to know next August whether for wagons to be delivered during 1927-28 any bounties will be available The Tariff Board inquired into this point, and they have recommended that bounties should be given to cover wagons ordered for delivery in 1927-28. This Bill provides for that.

Now, Sir, I have given the reasons for this Bill; I will take its practical effect. The Steel Industry (Protection) Act allowed a total amount of 21 lakhs to be spent in three years. This Bill allows Government to incur a liability of 33 lakhs spread over four years instead of three, and for the last two years of this period to bring under the bounty system underframes as well as wagons. I need not detain the Council over clause 4 (*1*) of the Bill. That merely deals with past history; it merely turns into the language of the Bill what has already happened. During the last two years Government have incurred liabilities on wagons of 13·59 lakhs, That is the sum which is referred to as 13·60 lakhs in clause 4 (*a*). Clause 4 (*b*) is the real one of interest because that deals with the present. The Council will observe that this authorises the Governor General in Council to incur an additional expenditure of Rs. 19,40,000 on bounties for wagons and underframes. The Tariff Board recommended 40 lakhs. We have reduced it to Rs. 19,40,000. The Council will quite rightly expect me to give some explanation for this. The Tariff Board found very definitely that there was no need to increase the rate per wagon of bounties, but it did find that the number of wagons that could be delivered in India was very much larger than they had anticipated, with the result that while the total rate of bounty per wagon was less, the total amount required was more than they had anticipated. For instance, in their first report they forecasted it was probable that, under the bounty system the wagon firms in India would, in the course of five years, be able to produce 1,600 wagons a year. Well, Sir, last October the Railway Board placed orders for 3,200 wagons to be delivered in 1926-27. Realising that a larger sum would be needed the Tariff Board had to estimate how much would be required. They sent in their report in October last and they had then only available for calculation the results of tenders of January 1925. From an examination of those tenders they deduced that as much as Rs. 600 per wagon would probably be required for orders this year and Rs. 500 per wagon for orders to be placed next year. Taking as probable an output of 3,000 wagons in 1926-27 and of 3,200 wagons for delivery in 1927-28, the Board calculated that 18 lakhs each year would be required. However, Sir, since the receipt of the Tariff Board's report we have examined the tenders which were called for at the end of 1925. On examining them in November or December last the Railway Board found that it was possible to place orders in India for 3,200 wagons for delivery in 1926-27 instead of the 3,000 the Board expected, and that in order to do so, the total amount of bounty that would be required would be somewhat under 7½ lakhs, instead of the 18 lakhs which the Board had estimated. I do not for a moment think that the Council would agree to authorise the Governor General to spend 11 lakhs extra upon this purpose when the

latest figures available show that 7½ lakhs have been sufficient. It can be assumed fairly safely that about the same sum ought to suffice for the next year. As the House sees, that practically halves the Board's estimate Another two lakhs we expect would be required for underframes which now the Tariff Board say should be brought within the bounty system. Hence it is clear that nineteen lakhs should be ample to cover all orders for delivery in the next two years. That, Sir, is the full extent of this Bill. I submit to the House it is simple; it is straightforward: it is a practical business proposition, and it is conceived both in economy and in fairness, and I ask the House to support it.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act, in respect of railway wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. D. T. CHADWICK: Sir, I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I merely wish to say a few words with regard to this Bill and those words are in the form of a warning, a warning which I have given voice to in this House on more than one occasion. I would like the House to consider carefully where these protective duties and bounties are leading this country. Bounties sound very nice. They sound like a very pleasing gift. But Honourable Members should remember that when you make a present to anybody you have got to pay for it; and on this occasion the country is paying for these bounties. I think I cannot better illustrate what I have in mind than by a short reference to the speech made in this Council by the Chief Commissioner for Railways in introducing his Railway Budget. On page 10 he spoke as follows:

"The difference between these prices and the equivalent of the lowest satisfactory quotation from abroad will be met from bounties payable under the Steel Protection Act."

By "these prices" he was referring to the prices or the cost of wagons and steel frames bought in this country, and he at once demonstrated that he could have bought them cheaper elsewhere. Now I am not averse to assisting industries, these wagon-building industries, in their infancy; but what I do want to lay stress on is that after they have been in existence for a few years if they cannot manufacture wagons and frames in competition with the wagons and frames which can be purchased elsewhere, then I think the industries had better close down. The Railway Department on this special occasion I think might be considered to be standing on velvet. What are they doing? They are buying wagons, the full cost of which they ought to debit in their accounts and then immediately write them down. And where would they get the money to write down? Not from the railway accounts. That is not keeping your accounts commercially, because you are obtaining your money for writing down from the

[Sir Arthur Froom.]

tax-payer of India, through another Department. Sir, I do not wish to say anything further on this. I am not opposing the Bill, because, as I have said, the constituency I represent have not opposed the principle of some assistance being given to these industries in their infancy: but I do maintain that after a few years, during which they have been assisted, these industries ought to walk by themselves.

THE HONOURABLE MR. D. T. CHADWICK: Sir, with regard to what my Honourable friend has said, I would only remark that the object which he has so clearly put before the Council is the object we all have in view in this policy of discriminating protection. As was explained when the Resolution regarding that policy was brought before the Assembly, it was no part of the Government's idea that bounties should be paid for ever. It is our hope—I trust it may not be a false hope—that in a few years these firms will be able to stand and meet competition without assistance. In that direction I would only point out a few facts. In the first year, as is shown in the last Report of the Railway Board, bounties were given at the rate of somewhere near Rs. 600 to Rs. 700 per wagon. On the tenders to which I just alluded, opened in December last, although everybody knows in the last 3 years how the prices of steel have fallen, it was only necessary to give per wagon a bounty of Rs. 228. I trust that in another year that sum per wagon will be considerably less. Lastly, the whole question will be examined again during the current year, 1926-27, by the Tariff Board. Thus the rate of bounty per wagon is coming down and another inquiry is due, but yet I believe the Council, as a whole, endorse the principle which the Honourable Sir Arthur Froom has just enunciated.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act, in respect of railway wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages, as passed by the Legislative Assembly, be passed."

The motion was adopted.

INSOLVENCY (AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, as passed by the Legislative Assembly, be taken into consideration.

This Bill also seeks to give effect to certain recommendations of the Civil Justice Committee. In the first place, it extends the Presidency-towns Insolvency Act to the town of Karachi where now the Provincial Insolvency Act applies. Then it amends section 104 of the Presidency-towns Insolvency Act as also a similar section in the Provincial Insolvency Act. By that it deals with offences against the Insolvency Act. Hitherto these offences have had to be tried by the High Court in a Presidency-town and in a district town by the District Judge and took up a considerable part of their time. The amendment, which is in accordance with the recommendation of the Civil Justice Committee, enacts that if the Insolvency Court is of opinion that an offence has been committed then it has to complain to the Presidency Magistrate in a Presidency-town or to a Magistrate of the first class in the district towns, and that the

Magistrate is to try the offences in the regular way. The other amendments are more or less consequential amendments for the purpose of carrying out those two objects.

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4, 5 and 6 were added to the Bill.

Clauses 7, 8, 9, 10 and 11 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move that the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Sir, I recently had occasion to present to this House a measure, including three or four distinct items, which involved amendments of the Criminal Procedure Code. These were intended to rectify certain defects which had been found in practice to emerge from the amendment of the Criminal Procedure Code in 1923. Of the measure as originally presented in another place one item was at that time not passed. On further consideration, I am glad to say, it has been passed and it is with respect to that item that I make the motion standing in my name. Until the amendment of the Code of Criminal Procedure in 1923, it was open to the Magistrate, where a person failed to give security under those sections of the Criminal Procedure Code which are commonly called the bad livelihood sections, to order that in default of security the imprisonment awarded might be either rigorous or simple. The effect of the amendment passed in 1923 was to remove from the discretion of the Magistrate the power to award either simple or rigorous imprisonment in cases of orders made under section 108 or section 109 of the Code. The measure which I now present to the House has nothing whatever to do with section 108. It relates solely to section 109, that is to say, to cases where a Magistrate has received information:

(*a*) that a criminal is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or

(*b*) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself. I invite the very close attention of the House to these two prescriptions which are very material indeed to the objects of the Bill. The discretion of the Magistrate to award either simple or rigorous imprisonment was removed when the Act was amended in 1923 and the effect of that amendment has been found to be extremely inconvenient. A greater part, at any rate a very considerable part, of the persons against whom action of

[Mr. J. Crerar.]

this character is necessary are, as the House will readily realize, persons who, under the corresponding English law, which is a more severe law, namely, the Vagrancy Act of 1924, would be denominated either idle and disorderly persons or rogues and vagabonds or incorrigible rogues. Of the total of 3,000 persons now in prison in pursuance of this section no less than one-third were persons with previous convictions against them. They were persons who are in the ordinary parlance called jail birds. Two inconveniences arose or rather two distinct classes of inconvenience arose. It was a matter of great difficulty to the Magistrates that they could not in the cases coming before them really discriminate in cases which required discrimination. There was a large proportion of cases in which the Magistrate was conscious that in awarding simple imprisonment he was ordering a most inappropriate form of imprisonment. Honourable Members are aware that when a sentence of simple imprisonment is awarded either under these preventive sections or for any specific offence, the person so sentenced cannot, except of his own free will, be called upon to do any kind of work while in prison. He can while away his time from morning till night doing nothing. He is fed, clothed and housed at the expense of the State, but he does not do or may not do one single hand stroke to earn his bread or to reduce the charges which fall upon the tax-payers of the country. That is a very unsatisfactory state of things. It is very unsatisfactory that the discretion of the Magistrate should be restricted in this way. I may also mention that there was another kind of inconvenience which emerged from the operation of this amendment. It related to the internal administration of the jails. Every Local Government reports that both their Magistrates and their jail officials have complained of the evil results which are the consequence of the removal of this discretion from the Magistrate. First of all, taking broadly the class of persons against whom action under this section may be necessary, it must, I think, be obvious that to detain a man for 12 months with no honest work which he can be compelled to do is very demoralizing to him. It would be demoralizing to any man. It is particularly demoralizing to a person who from the character of his antecedents and possibly of his environment—I do not entirely blame the man but we have to take things as they are—is naturally indisposed to do any honest work. Further, the manner of his life in jail does not dispose him to do honest work after he emerges from the jail. It is not only demoralizing to him but it is also demoralizing to his associates. The House will realize that besides persons in jail under section 109 there are a considerable number of persons who have been sentenced to simple imprisonment. Simple imprisonment is awarded normally in cases where the character of the offence or the character of the convicted person is such that he ought not to be put to rigorous imprisonment. In other words, you get quite a number of people who are certainly not jail birds, habitual thieves, habitual robbers or habitual bad characters or idlers or vagabonds but are persons who have broken some provision of the law and are sent to jail. Many of them are in other respects quite respectable persons. Now, is it reasonable or proper that they should be mixed up with a considerable number of persons dealt with under these sections who are *ex hypothesi* in the vast majority of cases persons of the *badmash* class? My point is that the award of simple imprisonment without any discretion on the part of the Magistrate is demoralizing not only to the person proceeded against under section 109, but it is also demoralizing to his associates who are not of the same character as himself and, generally

speaking, it is very prejudicial to the maintenance of discipline in a jail where persons of these different classes are confined together. Sir, that is the object of restoring this discretion to the Magistrate.

It has been urged that it is not necessary to grant this discretion to a Magistrate because section 110 of the Criminal Procedure Code is sufficiently wide. Now, I ask the House to give its very close attention to the precise provisions of section 109. I will now, if the House will bear with me because it is a matter of considerable importance, read out to them the provisions of section 110. Action under section 110 may be taken against any person who:

(*a*) is by habit a robber, house-breaker or thief, or

(*b*) is by habit a receiver of stolen property knowing the same to have been stolen, or

(*c*) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(*e*) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(*f*) is so desperate and dangerous as to render his being at large without security hazardous to the community."

Now, it does not require very close examination of these provisions to see that they apply to a different class of persons from those dealt with under section 109. It may be that persons who have at one time been dealt with under section 110 may subsequently come within the scope of section 109, but it is entirely wrong to allege, as has been alleged, that section 110 fully provides for all cases of habitual offenders.

Let me explain that a little more in detail. Under section 110 any of the habitual offenders falling within the terms of that section may be required to give security for good behaviour and on failing to do so may be sentenced to imprisonment not exceeding three years. If it were not necessary after a man has done a period of say one year to find any further cause against him, it will be open to the police officer to arrest the man the moment he has left the jail. He can take him before a Magistrate and if the Magistrate thinks fit he can award another sentence of one year. It has been held repeatedly by the High Court that after a person has been discharged after his period whether of security or imprisonment under section 110 he must be given an opportunity to show whether or not he really intends to take up an honest means of livelihood, and unless and until you give him the opportunity you cannot proceed against him under that section. That explains how it is that a man may have ten or fifteen, in some cases seventeen, previous convictions, or have been proceeded against five or six times before under section 110, but when he comes out from his last period under section 110 you cannot proceed against him unless he has once again brought himself within the danger of that section. He may be concealing himself within the local limits of the Magistrate's jurisdiction, he may have given reasons to believe that he is about to commit an offence, but he has not brought himself within the danger of section 110. He has brought himself within the danger of section 109. I have made this somewhat lengthy explanation because there has been rather persistent misapprehension of the real case. Section 110 deals with classes of cases of a different kind and is not a substitute for section 109. These sections deal with two very distinct classes of cases. While I ask the House to restore that discretion to Magistrates in respect of action taken under section 109, I would like to point out that additional safeguards have been provided and will still be in operation. Formerly a person proceeded

[Mr. J. Crerar.]

against under these sections had an appeal to a District Magistrate. Now he has got an appeal to a Sessions Court and the revisionary powers of the High Court still continue. Therefore there is very little likelihood of this section being abused. If it is abused the person concerned has an easy and adequate remedy.

I make the motion standing in my name.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, it is impossible for me to record a silent vote on this motion. It will be in the memory of Members of this House that the same provision which is sought to be introduced by this Bill was twice negatived in the Legislative Assembly on former occasions. It was only in September 1925 that the Honourable the Home Member sought to reintroduce this provision into the Criminal Procedure Code and that attempt failed. It has no doubt succeeded recently in the Assembly, but there was a very wide divergence of opinion on the question; therefore I have decided not to record a silent vote on this motion. Before I say anything, Sir, against the proposal embodied in this small Bill I wish to assure the Government that we who oppose such measures are not so dense or perverse as not to recognise the use of legislative measures which are intended to promote law and order in this country. We recognise that such measures are intended mainly for the benefit of citizens. Therefore, when we oppose some of them, it is not due to any feeling of hostility to measures inaugurated by the Executive Government, but it is only because we feel that the mischief of the Statute which is sought to be introduced far outweighs its benefits in some cases. It is really a sad comment on the political aspect of our legislation that the Legislatures distrust the executive and the executive distrust the Legislatures. But I hope that each of us will make our position clear and that there will be no room for misunderstanding.

So far as this measure is concerned, my objections to it are threefold. Firstly, I maintain that section 109 is intended to be a preventive measure and not a punitive measure. I quite agree with the Honourable the Home Secretary that sections 110 and 109 deal with different classes of persons. I will concede that; but at the same time it is by no means certain that persons who ought to be proceeded against under section 110 are not frequently proceeded against under section 109. I do not contend that we can properly bring persons for whom section 110 is intended under section 109. Many of the persons who are now in jail under sections 110 and 109 should have been run in under section 110, not under section 109. That is the comment I make. Section 109 is intended to deal with two classes of persons.

The class of persons covered by clause (*a*) are those who conceal themselves with intent to commit an offence, and clause (*b*) deals with the class of persons who are vagrants or vagabonds and who have no ostensible means of livelihood and are not able to give a satisfactory account of themselves. It is meant to apply to persons of bad livelihood or persons who adopt a dishonest means of livelihood or persons who harbour criminal intent. And these persons are sought to be prevented from committing any crime. My submission is that the requirements of the State and the requirements of the citizen will be absolutely met by preventing these people from committing the intended crimes by putting them in jail and imposing simple imprisonment upon them. To give them hard labour and treat them like other criminals who are convicted for substantive offences is unjustifiable under a civilized law. That is my first objection. The second objection is this. The Honourable the Home Secretary said that all that was asked for was mere discretion for the Magistrate either to give simple imprisonment or rigorous imprisonment, and that it was not necessary to give in every case rigorous imprisonment. It is true that all that the section seeks to secure is merely discretion, but, Sir, we know that when the judicial and executive functions are not separated and the Magistrates are mostly responsible to the executive head of the district, this discretion is a very illusory one. The Magistrate is likely to exercise the discretion more by executive bias or executive exigencies than in a judicial manner. We were told by the Home Secretary that a substantial improvement was made in the law when section 406 was amended so as to make the appeal lie not to the District Magistrate, but to the Sessions Judge in the case of mofussil courts, and to the High Court in the case of Presidency Magistrates. But those of us who have been practising in the courts for some time know that appellate courts rarely interfere with discretionary orders. Therefore it is no use telling us that the original Magistrate exercises discretion subject to an appeal. Then, Sir, the third objection is that no case has been made out within the last three or four months, since September 1925, to ask for a law which was then deliberately turned down by the Assembly. The Assembly refused in September last to embody this provision in the Criminal Procedure Code and then to come up after six months' time with the same proposal requires a very strong case, and I submit no case has been made out. I note in this connection that a White Paper was put in the hands of Members of the Assembly embodying the opinions of the Local Governments and authorities concerned in the administration of the jails. The same courtesy has not been shown to the Members of this House. I do not complain. I can assure my Honourable friend opposite that I had an opportunity of looking into that book by the kind courtesy of a Member of the Assembly who had it. It does not impress me at all. The only reasons stated there are that the Local Governments considered that in some cases simple imprisonment was absolutely inadequate and the jail authorities considered that putting people into jail without work would demoralise the other inmates in the jail. These are certainly no arguments in favour of sentencing to hard labour people who are merely convicted on suspicion and sent to jail to prevent them from committing some crime in the future and not because they committed some offence under the Penal Code. These arguments are unconvincing and I do not think they form any basis for the change in the law such as is now advocated.

Then, Sir, finally this section 109 has been misused very badly in many cases. The most glaring instance of it was the Nagpur Flag case.

[Mr. V. Ramadas Pantulu.]

Hundreds of persons who had good means of livelihood were run in under that section and sent to jail for long terms. I know personally many of those young men who went to jail. Some of them were graduates of the Universities and had ample means of livelihood in their own homes, but when they went from my part of the country to Nagpur they could give no satisfactory account of themselves because they had no property in Nagpur. Many of them were sent to jail on the charge of being persons who had no ostensible means of livelihood. That is enough to show that that law is an engine of oppression in the hands of those who wish to use it so. I know I will be told that if a section is misused, it is no use saying the form of imprisonment should be simple and not rigorous, and if a section is misused it is no argument against the section. If however the mischief of the section cannot be remedied, we at least want some restraint on that mischief by seeing that people who are run in under the section escape the hardship of rigorous imprisonment. I am able to say, from a perusal of the debate in the Assembly, that the fact that the section was misused was not seriously disputed even by the Government. Therefore, Sir, we are not impressed with the Government's case for a change in the section, and the Government have not really disclosed their motive or their reasons for this demand for a revision of the Statute at such a short interval since September 1925. There is a widespread belief that there is some dark motive underlying this enactment, and whether it is so or not, I am content to base my objection on the broad grounds that no case has been made out, that the discretion is an illusory one, and being a preventative and not a punitive section, hard labour is not justified. I will only add one word; if keeping people who are sent to jail, without doing any work is considered to be objectionable from the standpoint of the State, because they are fed there while doing nothing, and it is considered that such people are likely to demoralise other inmates of the jails, I would suggest one remedy. Such people who are not really criminals and who are sent to jail because they are not able to give a satisfactory account of themselves, should be provided with work in some kind of institutions like workhouses where their services could be utilised and where at the same time they are not subjected to the humiliations and hardships of rigorous imprisonment like persons who are convicted of substantial offences. The State ought to be humane in the treatment of such persons who are imprisoned merely on suspicion for failure to give security. For all these reasons, Sir, I cannot but vote against this motion.

THE HONOURABLE RAI BAHADUR NALININATH SETT (West Bengal: Non-Muhammadan): Sir on a consideration of the debate that took place in the Assembly over the Bill, I had to look into the history and decisions regarding sections 109 and 123 of the Code of Criminal Procedure as amended in 1923. I find that the Select Committee then appointed went into the matter fully and were deliberately of opinion that "in cases under sections 108 and 109, imprisonment in default of furnishing security should be simple." The said Select Committee consisted of men of experience in the legal line such as Sir Tej Bahadur Sapru, Sir William Vincent, Mr. J. Chaudhri, Sir B. C. Mitter, as well as you, Sir. That the above was not a mere passing observation is also evidenced by a consequential amendment of section 397 of the Code by the addition of a proviso under clause 103 of their report.

That proviso laid down that "imprisonment for a subsequent offence will not be concurrent with *detention* under section 123." This shows not

only deliberation on the part of the Select Committee as also their point of view that an order under section 123 is not a sentence but merely detention. And this is quite consonant with judicial decisions. This order of imprisonment for failure to give security is not a conviction for an offence under section 75 of the Indian Penal Code. The person proceeded against is not an accused under section 167 or under section 250 of the Code. He is committed to prison and not sentenced. It is upon these judicial decisions, I think, the learned Members of the Select Committee made it consistent with the idea of mere detention and made the term of imprisonment merely simple.

Sir, I have not been able to find any mention of these obvious facts either in the speech of the Honourable the Home Member at the time of the consideration of the Bill in the Assembly or by any of the supporters. Nor was any reason given by any one as to why the weighty opinion of the said Sub-Committee, as I have shown, should be brushed aside. I have also gone through the White Paper circulated along with the Bill, and I have not missed the appeal made by the Honourable the Home Member when he said:

"The implications of this are far beyond the mere amendment I am moving. I am asking the House to co-operate in making an amendment which has been recommended by executive authority in India. I am asking this House to say once for all whether they will, in any circumstances, under any conditions, carry any measure which is brought forward with **the united force of the executive.**"

I have on my part equally to put it to the Government: the implications of this are far beyond the amendment asked for. I ask them, has not the executive from the very start of the Code in 1923 moved to restore the discretionary power of the Magistrate to award simple or rigorous imprisonment in default of furnishing security under section 109? Do not the reports furnish an ample answer that they did not co-operate to appreciate the view of criminal jurisprudence taken by the Select Committee? Do not the reports suggest that their view of the order under section 123 is punishment and not detention? Do not the jail reports point to the only conclusion that the vanities of the jail authorities have been touched by men who are not guilty of any insubordination but only "wear an expression of superiority" over other prisoners? The White Paper furnishes an example that our executive is very slow to move and to assimilate advanced ideas of criminal law that hard labour and harsh measures are often incentives to harden a prisoner. I would have been glad if any amendment could be moved that rigorous imprisonment should not be awarded to any one who had not been previously convicted under any sections of Chapters XVI and XVII of the Indian Penal Code (offences against person and property) but as it is, I have no other alternative but to oppose it.

THE HONOURABLE MR. T. C. DESIKA CHARI (Burma: General): Sir, in opposing this amendment I shall lay before the House certain legal considerations and my humble experience in the working of the Criminal Procedure Code in some of the provinces of India. Section 109, sub-clause (*b*), as it stands, applies not only to cases of bad livelihood which the Legislatures intended to deal with, but also covers cases of misfortune where a person fails to get some means of livelihood. Of course the original object was to deal with persons of bad livelihood, but as it stands the section is broad enough; and when the principle underlying that preventive section is taken into account the present amendment is certainly very objectionable As my friend the Honourable Mr. Nalininath Sett,

[Mr. T. C. Desika Chari.]

Rai Bahadur, pointed out, the action to be taken by the Magistrate under the provisions of the preventive sections was not by giving a substantive punishment but by taking only a measure of prevention or safeguard against certain classes of persons doing injury to the safety of person or property in the State. My objection to this amendment is that it tries to overlook the principle on which these sections are based and to bring in a measure of punishment into the Criminal Procedure Code in dealing with persons under section 109. I have carefully gone over the White Paper which was placed in the hands of Members of the Legislative Assembly, and from a reading of the opinions of the various Local Governments and the jail authorities it is perfectly clear to me that they want to make out a case for giving rigorous imprisonment in the cases covered by section 109 by pleading that there are a large number of people convicted under that section who are persons who can easily come under section 110. It is this way. There is an abuse of section 109 and as a result of the abuse persons who ought to have been dealt with under section 110 have been dealt with under section 109. And so there is a large proportion of people dealt with under section 109, who are persons of notoriously bad character, who have had several previous convictions and who ought to be differently dealt with from persons who have had no previous conviction at all. I tried very carefully to follow the speech of the Honourable the Home Secretary, and there also I found his reason for bringing in this amendment is that soon after a person is released from imprisonment under section 110 he cannot be dealt with under the same section without being given an opportunity of showing that he was trying to reform himself. His object, I take it in bringing in this amendment, is to make away with that safeguard by proceeding under section 109 against those persons. That is the purpose, as I understand it, of the Honourable the Home Secretary in bringing in this form of punishment for a purely preventive measure.

My second objection is that it is no good saying " It is discretionary and the discretion will be properly exercised; there are cases where discretion may be properly exercised and so provision ought to be made to give discretion to the Magistrate to give either simple imprisonment or rigorous imprisonment." The principle to be applied to all these cases from a purely judicial point of view is this. It is better to make provision which may allow a number of people to escape from the clutches of justice rather than that one man who ought not to be dealt with under the provisions of this section should be brought under it. That is better in cases of doubt. It is no explanation to say that Magistrates are all right, they know how to exercise discretion and so on. The question is they ought not to be allowed to exercise a discretion which may possibly work hardship in the case of at least some people who ought not to be given rigorous imprisonment.

THE HONOURABLE MR. J. CRERAR: But how could these Magistrates act at all on that basis?

THE HONOURABLE MR. T. C. DESIKA CHARI: My answer to that is Magistrates deal with this section, and if they are given this discretion there may be some chance of a person who ought not to be given rigorous imprisonment being given rigorous imprisonment under this section. It may be an extraordinary circumstance, but all the same it is the duty of the Legislature to frame the law in such a manner as not to give any scope of such abuse of discretion at all. I, therefore, oppose this amendment of the Code

because it goes against the very root of the principle underlying section 109 and other preventive sections of the Criminal Procedure Code. They are not sections which deal with substantive offences but they deal with extraordinary safeguards against injury to the person and property of individuals. These are cases where measures are taken against persons not in the form of punishment but cases where they are dealt with under measures of extreme precaution in the interests of the public so that they may not commit mischief against the public at large. For these reasons, Sir, I oppose the Bill.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, not being a lawyer myself, I do not wish to say anything which will involve the expounding of legal quibbles and legal technicalities and I have therefore decided to leave them to hair-splitting lawyer friends in this Council. But, I think, I would be failing in my duty if on the present occasion I should record my silent vote and not enter my emphatic protest against what I consider to be a dangerous and iniquitous piece of legislation. This Bill raises a plain issue. Are you or are you not prepared to arm the Magistracy with discretionary power to award simple or rigorous imprisonment in security proceedings taken under section 109? This section is, under normal conditions, intended to haul up a habitual criminal who has not been caught red-handed in the act of thieving or committing any other offence but who, for the purpose of committing an offence, is taking the necessary precautions to conceal his presence or who is looking about with no ostensible means of subsistence or cannot give a satisfactory account of himself. Such a person is asked to furnish security for good behaviour under this section, and if he fails to do so, is punished with simple imprisonment only under the recently amended section 123 (*b*). The complaint now is that simple imprisonment has no deterrent effect on these habitual criminals who lordly while away their time in jails refusing to do any work and are therefore a burden to the State, and the law should therefore be amended giving Magistrates discretionary power to award hard labour in such cases. A Bill was introduced in September last in the Legislative Assembly making the necessary amendments but was thrown out then on cogent grounds. The Honourable the Home Member reintroduced this Bill in the Assembly a few days ago and in doing so made a curious statement which I consider to be an insult to this House and which I do not like to pass unnoticed. He said:

> "I would not lightly invite another rebuff in this House. It was open to me to take the Bill to another place, to endeavour to secure—(*mark these words, please*)—the re-insertion of this clause and bring it back here again. I did not wish to do that out of respect for this House."

Is it not an implication, Sir, that this House is ever ready to play to the tune and do anything to the dictation of the Honourable the Home Member? Let us at least wipe out that impression from his mind by throwing out this Bill this time. According to the Bill, Sir, any person who has no ostensible means of subsistence or cannot give a satisfactory account of himself can be booked and sentenced to hard labour, if he fails to find security. If it is expressly mentioned that this section applies only to a habitual criminal, then there can possibly be no objection to this Bill. But, as it stands, this section has a very wide range of application extending its scope from a habitual criminal to an innocent pauper, a true patriot and an honest politician. Anybody can come under the clutches of this law and be

[Dr. U. Rama Rao.]

awarded rigorous imprisonment if the Police and the Magistrate are so-minded. This section gives into the hands of the Police and the Magistracy a very dangerous weapon to suppress not merely crime but the shame of poverty and unemployment, to suppress political agitation and demand for national freedom, in fact, anything that comes in the way of the Government and is repugnant to the Government. There has been a gross abuse and misuse of this section by the Magistrates in the past by their applying it to political offenders, which the Government has never denied nor taken any steps to prevent. No guarantee is held out to prevent its recurrence in the future. As long as the executive and judicial functions are combined in one, so long will this abuse of power continue. The Legislature is asked to give a *carte-blanche* to the Executive to deal with the people in any arbitrary manner they like under this section. I hope our appeal will not be in vain and this House will consider the question calmly and without any bias or prejudice and reject this Bill in the interests of the people at large.

THE HONOURABLE PANDIT SHYAM BIHARI MISRA (United Provinces: Nominated Official): Sir, I rise to support the Bill, the consideration of which has so ably been moved by the Honourable Mr. Crerar. I had thought, Sir, that this Bill was not a controversial measure. It should not have been treated as a controversial measure. As a matter of fact, those who have experience of criminal administration of the country know that it is only the worst criminals who are usually dealt with under sections 109 and 110 of the Criminal Procedure Code. I have, Sir, personal experience of more than a quarter of a century of administration of criminal justice in the country. Unfortunately, I was only a Magistrate, but I think I can conscientiously say that never in my experience of 25 years was my judicial discretion interfered with by any District Magistrate. A reference to this point has been made by one of the previous speakers. Well, Sir, I can confess that there are Magistrates whose decisions and actions are sometimes interfered with by District Magistrates. But I must say that those subordinate Magistrates themselves are largely responsible for this state of affairs. We cannot be justified in believing and assuming that District Magistrates are always wrong and subordinate Magistrates are always right. I know—I must confess with shame—of instances where some subordinate Magistrates sought the help of District Magistrates for the sake of their own convenience, perhaps unworthy convenience. I must repeat that they wanted to seek the advice of District Magistrates for their own motives and it is such Magistrates whose discretion and action are sometimes interfered with by the District Magistrates. But I must add that no District Magistrate has ever been known to me to interfere with the discretion or action of an honest and intelligent subordinate Magistrate. This is my reply to the insinuation of my Honourable friends.

Then, Sir, it has been suggested that this section 109, Criminal Procedure Code, is liable to abuse and that therefore the discretion of awarding simple or rigorous imprisonment should not be given to Magistrates. May I ask, Sir, if any other section is not liable to abuse? Even the best thing in the world is liable to abuse, but we deal with the rule and not with the exceptions. The rule is that we must provide and legislate for what is usually done, and not for what may happen by an abuse of something. I do not know.

but there might have been instances of an abuse of this section. There might have been instances of an abuse of any other section of the Indian Penal Code.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO: What about the Nagpur flag case?

THE HONOURABLE PANDIT SHYAM BIHARI MISRA: I do not say that there is no possibility of abuse. I do not know about the Nagpur case. It is said that some Nagpur flag Satyagrahis were dealt with under section 109. They might perhaps have been rightly dealt with under that section, or the section might have been abused. I have already admitted that every section is liable to abuse. But shall we scrap the Indian Penal Code because every section of it is liable to abuse? If so, then let us repeal the whole of the Indian Penal Code. Because a man might be wrongfully hanged, is it right that therefore section 302 should go? Then there would be no end to murders. My experience is that *pax Britannica* is more due to the discriminate exercise of the discretion of Magistrates under sections 109 and 110, Criminal Procedure Code, rather than to all the penal laws of the land put together. That is my firm conviction. *Pax Britannica* is really based on sections 109 and 110, provided they are properly worked. Any sections might be abused, but I think that such cases are rare. In my experience I do not remember that any abuses of section 109 ever took place in my court. Section 110 has been at times abused, but I do not remember section 109 being abused. I admit it is liable to be abused, but a salutary section cannot go because it is liable to be abused.

Mr. Ramadas Pantulu has put forward three objections. One is that prevention should not be punitive. I admit that and I do not think that it ever was the object of the Legislature to provide that prevention should be punitive. But how are we to deal with confirmed criminals? It is a question of discretion. I do not say the Magistrates must always give rigorous imprisonment to a man unable to furnish security. We must give discretion to the Magistrates. I think, Sir, that Mr. Bipin Chandra Pal, if I remember aright, said in the lower House, when somebody remarked that he had been to jail, that he was in jail when jail was really a jail and not a father-in-law's house. If you give simple imprisonment to a hardened criminal, it means sending him to his father-in-law's house to be the guest of His Majesty at the expense of the ratepayer. The honest man has to subscribe towards his maintenance, while he lives in jail a life of peace and perhaps luxury. That cannot be the intention of any Legislature. We must deal with each case on its merits, and this is why discretion is being asked to be restored. If there is a hardened criminal, and he is found to be sitting behind my house at mid-night with instruments of housebreaking in his possession—he has not begun his housebreaking operations—and if he runs away when seen and is captured and produced under section 109 before a court, shall we say: 'You were going to commit housebreaking, but nevertheless you can comfortably be lodged in your father-in-law's house"? No, this would be preposterous; therefore to refuse restoration of discretion to Magistrates in such cases is to my mind absolutely wrong.

Then Mr. Ramadas Pantulu also pointed out that some persons who could be proceeded against under section 110 were wrongly proceeded against under section 109. It is a surprising suggestion and a surprising

[Pandit Shyam Bihari Misra.]

argument. Section 110, as Honourable Members are aware, provides for imprisonment on failure to give security, either rigorous or simple, for three years, whereas section 109, so far as I remember (I have not been dealing with these sections for three or four years), provides for imprisonment for only one year; so why should section 109 be substituted for section 110? My friend Mr. Chari has pointed out that this section is substituted for section 110, because in case of a person dealt with under section 110, some time must be allowed to elapse to give him a chance of reforming himself, before he can again be proceeded against under that very section, and that therefore such persons are wrongly proceeded against under section 109. This is a very ingenious suggestion, but to me with all my criminal court experience it looks rather funny. Section 109 can hardly be substituted for section 110. Section 109 is really used against criminals when they are actually caught under very suspicious circumstances, and at least I think I can be justified in hoping that I shall be credited with *bona fides* when I tell you that my experience has never shown that section 109 has been abused. I never knew this to happen in the 25 years of my experience.

Then the third objection of the Honourable Mr. Ramadas Pantulu was that no case has been made out for restoration of this discretion which was rejected by the Assembly in 1925. The Honourable the Home Member's speech in the other House should convince all who are open to conviction that a very good and strong case had been made out, and all the opinions of the Local Governments and High Courts and jail authorities go to show that this discretion should be restored. I really do not see why it should not be restored. All cases must be dealt with on their merits. Nobody can say that all persons dealt with under section 109 are good people and that none of them must be given rigorous imprisonment when they have failed to furnish security. If the merits of the case demand it, why should this discretion be refused to Magistrates? To say that Sessions Judges are unwilling to interfere with the discretionary powers of Magistrates is quite wrong. Sessions Judges always interfere when they think it necessary, and I think it would be an absolutely salutary provision. I think under such conditions the fear of abuse is very, very remote. I support the Bill.

THE HONOURABLE MAULVI ABDUL KARIM (East Bengal: Muhammadan): Sir, I had a mind to undergo my ordinary period of apprenticeship like a good old boy, but just now after hearing what has fallen from some of the Honourable Members of this House on a subject in which I have dabbled for 25 years of my life exclusively as a criminal practitioner, I think I would be doing an injustice to myself and also to the Honourable Members of this House if I did not place at their service a little bit of personal experience and knowledge which I have acquired in connection with the operation of sections 110 and 109.

Sir, I rise to support the motion of the Honourable Mr. Crerar, not only heartily but most whole-heartedly, and I will endeavour as best I can to supplement the arguments that have been advanced in this House by the Honourable Mr. Crerar, and also by the Honourable Sir Alexander Muddiman in the debate on this question in the other House. Sir, I come from a province or a part of a province which has given birth to political thoughts as they are now widely understood and expressed, I

mean I come from Eastern Bengal, and as the Honourable Members of this House are fully aware, circumstances connected with the partition of Bengal and its subsequent modification are circumstances which have widened the Indian political outlook and have given not a little trouble to those who have had to administer the law in this country. Sir, I do not dogmatically assert things because I have dabbled in this law for 25 years of my life, nor do I prefer to look at the question merely from an academician's point of view. I will place my own personal experience of this matter before the Council. The present political situation has arisen after 1905. The law of 1898 that is going to be restored by the present enactment provided for simple or rigorous imprisonment according to the discretion of the Magistrate. Now, Sir, as the Honourable Members of this House have already learnt from the Honourable Mr. Crerar, and as they themselves already know, in 1923 that law was modified, taking away the discretionary power of the Magistrate. In the year 1926 that power is going to be restored. In the debate in the other House I beg to submit that as a matter of fact legal opinion veered round under the somewhat politically atmospheric pressure and what was enunciated there does not exactly commend itself to those who have studied the law very carefully. I will not go over it again in this House because I am sure the Honourable Mr. Crerar has been able to make a full presentment of the Government's case on this subject. I will only just refer to one point. It is said that discretion to the Magistrates in the matter of ordering either simple or rigorous imprisonment in the case of failure to give security under both provisions (*a*) and (*b*) of section 109 should not be given because, as the principal argument advanced therefor has it, that sort of discretion is sometimes abused. My submission to the Members of this Honourable House is that, because discretion may be abused sometimes, that is no reason why discretion should not be given at all. All laws that are progressive in their nature must have the merit of elasticity. Without that there can be no advance worth the name. Now, Sir, the question is whether the law as it stands gives sufficient scope and opportunity to the Magistrate to exercise that discretion properly or not in appropriate cases. The whole question may be looked at from that point of view. My submission is that there may be cases, and there have been cases to my knowledge, in which simple imprisonment under section 109 would not meet the ends of justice. I will place one such case for consideration before this House which has come to my personal knowledge. A man comes as a forerunner—I call him a forerunner because he comes first—to help in the perpetration of a dacoity. That forerunner comes forward in the guise of a "Sannayasi". I refer to "Sannayasi" because his case was mentioned in the other House as a case in which the Magistrate might wrongly exercise his discretion to punish a *sannayasi* and sentence him to rigorous imprisonment. Now suppose that man who comes in the guise of a *sannayasi* to my house, makes a plan of my house showing therein the approaches and the ins and the outs of my house with the intention of going back to his confederates at some centre of the conspiracy from which he is an emissary taking all the material particulars necessary to enable the dacoits to come and raid my house afterwards. Now, Sir, this man is arrested by the police and he is actually found with a notebook in his pocket which shows the plan of my house, the house of a rich millionaire. He does not give a satisfactory account of himself; he does not like to disclose the names of the persons who have sent him out. "What is your name!"

[Maulvi Abdul Karim.]

he is asked and he does not give a satisfactory reply to that. He is not a photographer or an artist by profession and the Magistrate has absolutely every reason to think he must be a criminal forerunner of that kind—I do not say political. Now, Sir, is the present law sufficient to meet a case of that kind? That section of this House who are lawyers know, as a matter of fact, that there are certain stages of a crime which are not touched by the substantive criminal law. I cannot say this man had been preparing to commit a dacoity. I cannot say that he is there with the object of committing dacoity, although he is there with the object of furnishing such valuable information to the persons who have conceived the idea of committing the dacoity. With regard to that man I cannot say he is preparing to commit a dacoity or concealing himself with the object of committing an offence. I cannot bring him under clause (*a*), section 109. I cannot haul him up under the Indian Penal Code because it is the preparatory stage of only one crime that is taken account of by the Indian Penal Code. I cannot say I can bind him down under the Criminal Procedure Code, section 110, because he is not a habitual offender. Section 110 will not touch him, nor clause (*f*) of that section which is intended only for those persons who are dangerous or of desperate character. Now, Sir, is the man to go scot free? I cannot bring him under any of the conspiracy sections which have lately been enacted to meet the larger requirements of the country, due to the larger political movements of the day, because he refuses to disclose the names of his associates or principals. Unless there are at least two persons, I cannot *say* that he is a party to the conspiracy. Now, Sir, certainly a case of that kind is intended to be covered by section 109 (*b*). If he were to be given simple imprisonment under the law as it was remodelled or recast in 1923, the man would be sent to jail and live, as an Honourable Member on the other side said, like a son-in-law in the Government House. Would not the circumstances of a case like this behove the Magistrate in inflicting upon the man, on his failure to give security, no other punishment than that of rigorous imprisonment? My submission before the House is this that such cases have actually come before me and I have conducted a number of cases in which the accused were actually found in possession of such notebooks showing the plans of the houses of well-to-do and respectable people. As a matter of fact it was this that opened the eyes of the Government, and my submission is that it was in the light of these recent experiences now coming to the notice of the Government that the Government in their wisdom thought of bringing up a Bill like this and restoring the old power to the Magistrate. It is in view of these considerations and other considerations with which I will not tire the House now that I not only strongly but whole-heartedly support the motion brought forward by the Honourable Mr. Crerar, that this Bill as passed by the Legislative Assembly, though with some difference of opinion, be passed here also.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, the speeches made by my two immediate predecessors relieve me to a very large extent from replying to the objections which have been raised to this Bill, and in particular I am obliged to my Honourable friend Maulvi Abdul Karim for an able and comprehensive speech, his first speech in this Council, which gives us every prospect of important contributions from him to our debates in the future.

I was very much gratified, Sir, to have from the Honourable and learned gentleman from Madras an assurance that when Government move measures in this House relating to questions of law and order it is always his strong instinct and desire, as far as in him lies, to support any legitimate appeal made by Government for any reasonable proposition in the matter of powers to maintain law and order. My gratification was however on reflection slightly qualified when I recalled that I had heard preliminaries of that character several times from my Honourable and learned friend and that he invariably followed it up by some measure, usually a very strong measure, of opposition to the particular provision of that nature with which I myself happened to be concerned. I was also particularly struck by the fact that the Honourable and learned Member appeared to express some preference for measures of a preventive rather than a punitive character. Nevertheless it has usually been on occasions when it has been my duty to lay before the House measures of a preventive or precautionary character that I have found more particularly my differences of opinion with my Honourable and learned friend to be fundamental.

Sir, he said he had three special grounds of objection to this Bill. The first was that the section was intended to be preventive and not punitive, and he was therefore inclined to think the measure we proposed to be in the direction of being punitive rather than preventive. Well, in the first place, I should point out that an objection of that character would equally apply to any action taken under section 110 though I think the common consent of persons conversant both with the law and with the practical application of the law, both in this House and elsewhere, has been that in the case at any rate of section 110 it would be absurd to deprive the Magistrate of a discretion to order rigorous imprisonment. In so far as that argument rests upon the undoubted fact, which I fully admit, that these provisions are primarily of a preventive and not a punitive character, the objection ought to go further and induce my Honourable and learned friend to adopt the same proposition in regard to section 110, which I venture to suggest would not be supported by anyone who has a knowledge of the law or any considerable experience of its application in practice.

He then put forward his second objection which related to the discretion of the Magistrate and an Honourable Member who spoke on this side of the House urged the same point, apparently suggesting the view that you are not only not to give a Magistrate a discretion but you are to remove from him all power in any circumstances whatsoever of committing an indiscretion. Well, Sir, all I can say is if you attempt to legislate on those lines, and if you fail to find an undeviating succession of archangels to fill your magisterial and judicial chairs, you will never succeed in putting into form any form of penal legislation whatsoever.

THE HONOURABLE MR. T. C. DESIKA CHARI: I am sorry the Honourable the Home Secretary did not understand me. I merely said section 109 ought not to be so worked as to make an honest person come within the clutches of the law and punished under the amended section and it must be made clear that particular provisions are not intended to be applied to particular persons. That is all that I said.

THE HONOURABLE MR. J. CRERAR: I am afraid I am not much more illuminated with regard to the Honourable Mr. Chari's objection now than I was before. But my reference was to the point relating to the discretion of the Magistrate, and the objection to which I particularly wish to

[Mr. J. Crerar.]

reply is not that of the Honourable Mr. Chari (which I confess I do not understand) but that raised by my Honourable and learned friend from Madras. The Honourable and learned gentleman from Madras took this point in particular, that inasmuch as judicial and executive powers had not been completely separated there was a very grave fear that the discretion imposed on Magistrates in regard to this particular section would be abused. Well, I should like to make two points in reply to that. The first is that *ex hypothesi* we are both agreed on this that this particular measure is preventive; it is not punitive. That is to say, we are not concerned with the formal conviction of an accused person of an offence, nor with the sentence which is duly to be passed upon him. Those are judicial functions. We are concerned with preventive measures; and I maintain preventive measures are essentially executive measures and must be in the hands of persons who have executive authority. My second point is this. If it is necessary to appeal to any well-known analogy, that is to say, if we are to refer to the source of most of our conceptions of criminal law in India, which is the English law, I would remind my Honourable and learned friend what the state of the English law in the matter is. The English Vagrancy Act enables an idle and disorderly person, that is to say, a person who has once infringed section 3 of that Act to be at once sent to prison with hard labour for one month, and no security. If he comes once more within the danger of that Act he is liable as a rogue and vagabond forthwith to be sent to prison for six months' hard labour, and no security. If he comes under the Act for the third time he then becomes an incorrigible rogue and is liable to 10 months' hard labour; he is also liable to whipping and no security again. Moreover, those orders are to be passed not by a bench of persons who exercise solely judicial power but by the Justices of the Peace, who, as Honourable Members are very well aware, though the matter is not always fully recognised, are in some of the most important aspects of their functions undoubtedly executive functionaries. Indeed until quite recent times the most important local executive functionaries in the United Kingdom were the Justices of the Peace; and it is to them that the operation of the analogous and as the House will see much more severe laws relating to vagrancy and bad livelihood is entrusted.

The third objection raised by my Honourable and learned friend was this. He inquired what has happened since September 1925, to justify Government in bringing this measure into this House. I will only say this, Sir, that if wiser counsels had prevailed elsewhere in September 1925, this measure would have been long ago before this House and what has occurred since 1925, regarding which my Honourable and learned friend desired to be informed is the gratifying fact that Honourable Members in another place have changed their mind, and changed it for the better. Those, Sir, are the three main points raised by the Honourable gentleman and by those who spoke after him, and I hope and trust that I have met them to the satisfaction of the House.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be passed."

The motion was adopted.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill further to amend the Madras Civil Courts Act, 1873, as passed by the Legislative Assembly, be taken into consideration.

This, Sir, is another small Bill to give effect to one of the recommendations of the Civil Justice Committee. I will explain shortly the object of this Bill. Under the Indian Succession Act, outside the High Courts, it is only the District Judges who can take cognizance of proceedings under that Act. Practically all the provinces other than Madras have by their local Civil Courts Acts empowered the High Courts to authorize subordinate courts as also the District Judges to enable subordinate courts to take cognizance of proceedings under the Indian Succession Act. The Civil Justice Committee recommended that that power should also be given to the Madras High Court and to the District Judges under the Madras High Court and this Bill simply proposes to give effect to that recommendation.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 2 stand part of the Bill."

THE HONOURABLE MR. S. R. DAS: Sir, I move as an amendment:

"That in clause 2 in the new section 29 proposed to be inserted in the Madras Civil Courts Act, 1873:

(*a*) the words 'or District Munsif' wherever they occur, and

(*b*) the proviso to the proposed sub-section (*3*)

be omitted."

The matter arises in this way. The Bill as originally drafted and passed by the Legislative Assembly empowers the High Court as also the District Judge to authorise all District Munsifs as also Subordinate Judges to take cognizance of these proceedings. The proviso to sub-section (*3*) enacts that an appeal from an order of a District Munsif in any such proceedings shall lie to the District Judge. A question was raised during the debate in the Assembly as to whether under the present law an appeal would lie from the order of the District Judge on appeal from the District Munsif to the High Court, and it was pointed out that it would not be right that there should be no appeal to the High Court in some of these contentious proceedings which might be taken by the District Munsif. At that time, my Honourable colleague, the Home Member, gave an undertaking that he would look into the matter. It now appears that there would be no appeal to the High Court from an order of the District Judge passed on appeal from the District Munsif. Under those circumstances, we have thought that the best course would be to take away the power of the High Court to authorise District Munsifs to hear these proceedings and restrict that power only so far as subordinate Judges are concerned. With that view I have to move the amendment that the words "or District Munsif" wherever they occur and the proviso to the proposed sub-section (*3*) be omitted.

THE HONOURABLE THE PRESIDENT: The original question was:

"That clause 2 stand part of the Bill."

[The President.]

Since which an amendment has been moved:

"That in clause 2 in the new section 29 proposed to be inserted in the Madras Civil Courts Act, 1873:

(*a*) the words 'or District Munsif' wherever they occur, and

(*b*) the proviso to the proposed sub-section (*3*)

be omitted."

The question I have to put is that that amendment be made.

The motion was adopted.

Clause 2, as amended, and clause 1 were added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: I move, Sir, that the Bill, as passed by the Legislative Assembly and as amended by the Council of State, be passed.

The motion was adopted.

RESOLUTION *re* GRANT OF SUPPLEMENTARY ASSISTANCE TO THE TIN-PLATE INDUSTRY.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to move:

"That this Council recommends to the Governor General in Council that no action be taken on Chapters IV and V of the Report of the Indian Tariff Board regarding the grant of supplementary protection to the steel industry, except that supplementary assistance should be given to the tin-plate industry in India, (*a*) by increasing from Rs. 60 to Rs. 85 per ton the specific protective duty on all steel tin-plates and tinned sheets, including tin taggers, and (*b*) by reducing the duty on tin, block, from 15 per cent. *ad valorem* to a specific duty of Rs. 250 a ton."

With this Resolution I bring before the Council the remaining portions of the third report of the Tariff Board on Steel. Last September the old Council disposed of their recommendations on rolled steel. This morning we have disposed of their recommendation in regard to wagons and now there remain only two Chapters to be dealt with, one on fabricated steel and the other on tin-plates. My Resolution covers those two Chapters. The Council will see from the terms of my Resolution that Government propose to take no action whatever in regard to fabricated steel. To that extent perhaps it might not have been necessary to bring it to the notice of the Council but we think it advisable for the Council to have a chance of discussing these recommendations of the Tariff Board even when the Government do not accept them. I am also very anxious that the Council will endorse the interpretation that the Government place upon one of the important sections in the Steel Industry (Protection) Act. The engineering industry in India applied under section 3 (*4*) of the Indian Tariff Act for additional protection on the ground that there had been such a change in prices as to render the protection afforded by that Act ineffective. The Tariff Board thereupon made their inquiries and, as we all know, they found that prices had fallen considerably. Their original recommendation for the engineering industry was to raise the duty from 10 per cent. *ad valorem* to 25 per cent. *ad valorem*. I think it will be clear to the House that an *ad valorem* rate, when prices are falling, means an actually smaller number of rupees. On the whole, therefore, the

Tariff Board found that in order to restore the figures which they calculated in 1924, an additional protection of 7½ per cent. would be required. The Government do not challenge those calculations or those figures in any way. If it be held that the meaning of those words which I have read out from section 3 (4) of the Steel Industry (Protection) Act is, in effect, that when prices fluctuate additional protection must be imposed from time to time in order to restore the exact measure of protection contemplated at the time of the original inquiry, then the finding of the Tariff Board is perfectly logical and perfectly correct. But, Sir, I have said when speaking on these questions of protection before, that it is not a portion of the policy of protection to guarantee prices. Prices must fluctuate and it is beyond the wit of any Government to be repeatedly altering tariff duties in order to chase prices either up or down. It is also most undesirable from the point of view of trade and commerce to be perpetually altering our customs duties, and in a policy of protection this idea of guarantee of a fixed measure of protection is not necessarily inherent. The Honourable the Commerce Member in another place, when speaking on this very Bill in 1921, explained that in his opinion that section only ought to be used on rare occasions, when the need is very real and also very urgent. That is the proper way in which this section ought to be used, not as a weapon for adjusting rates by mathematical calculations, but for reasons of urgent or unforeseen emergency. The Government therefore examined this proposal to give additional protection to the steel industry from that point of view, and at once one notices that we are really dealing not with a new industry but with one which has been going on for the best part of a hundred years. It has had its ups and downs, and has been through a period of depression before. At the present moment it is not suffering from the flood of imports, but if it is suffering it is suffering from general depression in trade. Imports have not been phenomenally large during the last twelve months, and lastly the Tariff Board itself have reported that these firms said in evidence that although orders were difficult to obtain the difficulties were not so great as they had been before the Steel Industry (Protection) Act was passed. In view of those circumstances it seems to Government that an emergent need has not arisen in regard to the fabricated steel industry, especially when it is remembered that that Act has only one more year to go. I hope the Council will endorse that interpretation because it will be a most unsettling thing for the trade and commerce of this country if it is given out that the Government and the Legislature are prepared to vary their customs duties so as to meet any fluctuation in prices. It would also have, I think, a very enervating effect on those who were receiving protection if they thought that when prices fall somewhat they could come to the Legislature and have the difference made up to them. So much for fabricated steel.

I now turn to the other Chapter, namely, the tin-plate industry. The Government consider that the circumstances are somewhat different here. The Council will remember that in that case the Tariff Board originally raised the duty from 10 to 15 per cent., not from 10 to 25 per cent. They certainly made the duty specific which has been a great advantage to the tin-plate industry, but yet the increase given was compared with others small. They have made calculations similar to those they made in regard to the fabricated steel industry; and conclude that there is a gap required of Rs. 38 a ton in order to restore the measure of protection for tin-plate

[Mr. D. T. Chadwick.]

that they had anticipated two years ago. They recommend that this gap should be made good. They, however, do not suggest that they should put the whole of the Rs. 38 as additional duty on tin-plate, but only Rs. 29 as additional duty and make up the remaining Rs. 9 by remitting the duty which the company have to pay on the block tin imported for galvanising. In this case the Council is dealing with an absolutely new industry, not with one that has been here a hundred years. The industry has started well I am bound to say. The industry has made very great technical advance in its first three years. It has reached very nearly its full maximum output of 622 thousand boxes a year and is using some 45 thousand tons of steel a year. Technically it has done well, also as a new industry it stands in a different category from the fabricated steel industry. I have already said that in regard to this section 3 (4) of the Act, we ought not to use it to make up mathematical differences but only to use it when the need is urgent and real and then only to the minimum extent. It is perfectly clear from what the Tariff Board has reported that although the industry has made this technical progress, prices and conditions have changed so much that it is by no means meeting even its work costs at the present day. Therefore, the Government propose that the amount of additional benefit which should be given to this company should be restricted to just covering and meeting the works cost, that means additional benefit of Rs. 29 a ton. The Government also do not like the idea of making a remission of duty to only one company as would be the case by remitting only to this company the duty on tin block. It would be fair to reduce it for every body who uses that article and consequently the proposal I place before this House is that the duty on tin be reduced to Rs. 250 a ton, practically half, and the duty to be placed on tin-plates should be increased from Rs. 60 to Rs. 85 a ton. The revenues which we should get from the additional duty on tin-plates will balance the loss incurred by reducing the duty on block tin; therefore, as far as general revenue is concerned, there is no difference. At the same time I wish to point out to the House that the question of giving protection to the tin-plate industry is not now in question. That is settled up to the 31st March 1927. It is only a question of meeting a present need over the next year. Next year an inquiry will be held to consider whether this industry should or should not be protected. While the company has made great technical advance, one point arises affecting next year's inquiry, and that is that there has been a good deal of doubt in regard to the capital arrangements of this Company, which in the opinion of many is badly arranged and probably excessive. No doubt the Company will bear that in mind.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, here again the question of protection is raised. The House this morning has already heard my views on protection and those are that when protection is intended to foster a national industry in its infancy I have no great fault to find with it. This Resolution moved by the Honourable the Commerce Secretary has my support up to a certain point, in so far as it refers to the question of fabricated steel, but when he gets on to the tin-plate industry, I am afraid I must differ from him. This tin-plate industry is a small industry and why the Commerce Department should consider it worthy of protection I am at a loss to understand,

except perhaps that it is a sort of offshoot of the Tata Iron and Steel Industry. I have said this morning that protection always costs something to the country and if you provide protection for one particular article, something else has got to pay for it. I gathered from the Honourable the Commerce Secretary's speech that he did not agree with me in this instance because he pointed out that, when he proposed to reduce duty on tin block, he proposed to increase the duty on imported tin-plates. Well, I am afraid I cannot agree with his mathematics. What would be the position if you increase the duty on an article which is being imported to this country? I presume it is with the idea of striking at that article coming into the country, and therefore the duty on that article must be correspondingly less, and I very much doubt whether the proposal of the Honourable the Commerce Secretary that the increased duty obtained from imported steel plates will meet the amount that the country has got to pay. I will not detain the House very much longer; they are aware of my views on this question of protection, I insist that protection is expensive. As I said, I do not oppose protection to a great national industry, but I challenge anybody in this House to say that this little tin-plate—I very nearly said tinpot—industry is a national industry. I do not suppose the Commerce Department, in moving this Resolution, had in mind the large shareholders of this industry. I do not suppose the shareholders, and I hope they do not, interest the Commerce Department at all, but I take it they moved this Resolution from the point of view that this industry is a sort of offshoot of the Tata Iron and Steel Industry; in fact it receives its supplies of steel for this industry from the Tata Iron and Steel Company. Sir, had the Commerce Secretary been able to show that this very small, minute, industry was a national industry, he would have received my support. As I have said before, I contend that this is merely an offshoot of the Tata Iron and Steel Industry which is the grandparent, and there may be some other grandchildren springing up. Are you going to provide protection for them? Once the thin end of the wedge is introduced there is no knowing where it will stop, and I am afraid I must oppose that portion of the Honourable Member's Resolution which refers to the tin-plate industry.

THE HONOURABLE MR. D. T. CHADWICK: Sir, earlier in the day when my Honourable friend spoke on the Bill in regard to wagons, I heartily agreed with him. Now I join issue with him entirely. He has not spoken on the Resolution a single word. The matter that is before the Council is not the question, as I explained, of protection to the tin-plate industry. That has been settled. That is settled up to March 31st, 1927. Nor was it settled by the Commerce Department. It was settled by the Legislature of the country. To-day we are dealing purely with the addition of protection that is required to meet the particular circumstances which have arisen. Therefore, Sir, it is not incumbent upon me to prove that this industry is a national industry, or is any other description of an industry or even that it is not a " tinpot " industry; the point is it is already protected. And I can assure my Honourable friend—besides he knows it because he was here in the House at the time—it was not protected by the Legislature because the Tata firm is one of the shareholders, nor because the Burma Oil Company is a shareholder . . .

THE HONOURABLE SIR ARTHUR FROOM: I never referred to the Tata firm being one of the shareholders.

THE HONOURABLE MR. D. T. CHADWICK: I am sorry, Sir, because I thought the Honourable Member would have known from the report of the Tariff Board that this Company has only two shareholders, one being the Tata Steel Company and the other the Burma Oil Company.

THE HONOURABLE SIR ARTHUR FROOM: Yes, the Burma Oil Company.

THE HONOURABLE MR. D. T. CHADWICK: I thought that knowledge was common property. This industry came under the general scheme of protection in the same way as the engineering industry, namely, that it used steel. It came in for inquiry exactly in the same way as the wire industry. When these subsidiary industries were examined by the Tariff Board and when their report was placed before the Legislature,—the Legislature, including this Council, decided that it was a worthy industry to protect

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

"That this Council recommends to the Governor General in Council that no action be taken on Chapters IV and V of the Report of the Indian Tariff Board regarding the grant of supplementary protection to the steel industry, except that supplementary assistance should be given to the tin-plate industry in India, (*a*) by increasing from Rs. 60 to Rs. 85 per ton the specific protective duty on all steel tin-plates and tinned sheets, including tin taggers, and (*b*) by reducing the duty on tin, block, from 15 per cent. *ad valorem* to a specific duty of Rs. 250 a ton."

The motion was adopted.

NOMINATIONS TO THE PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been duly nominated for the Panel of the Central Advisory Council for Railways:

The Honourable Mr. P. C. D. Chari,
The Honourable Mr. V. Ramadas Pantulu,
The Honourable Rai Nalininath Sett Bahadur,
The Honourable Rao Sahib Dr. U. Rama Rao,
The Honourable Mr. Mahendra Prasad,
The Honourable Mr. Mahmood Suhrawardy,
The Honourable Sir Arthur Froom,
The Honourable Mr. Phiroze C. Sethna,
The Honourable Rai Bahadur Lala Ram Saran Das,
The Honourable Mr. J. W. A. Bell,
The Honourable Raja Sir Rampal Singh,
The Honourable Mr. K. C. Roy,
The Honourable Sir Sankaran Nair.

As only eight members are required on the panel and thirteen have been nominated, an election will have to take place. As I announced the other day, the election will be conducted on Thursday, the 25th of this

month, and it will take place, according to the regulations laid down for the conduct of an election according to the principle of proportionate representation, by means of the single transferable vote.

As the House is aware, to-morrow was one of the days allotted for the disposal of business promoted by non-official members, and the list of business which has already gone out contains one item of business only, a Resolution to be moved by an Honourable Member from Madras. He has now given me notice that he does not intend to move that Resolution and there will therefore be no necessity for the House to meet to-morrow.

THE HONOURABLE MR. V. RAMADAS PANTULU: I should like to withdraw.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member wish to withdraw his nomination?

THE HONOURABLE MR. V. RAMADAS PANTULU: If I am permitted to do so.

THE HONOURABLE THE PRESIDENT: The Honourable Member is in time.

The Council then adjourned till Eleven of the Clock on Thursday, the 25th February, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

THURSDAY, 25th FEBRUARY, 1926

Vol. VII—No. 10

OFFICIAL REPORT

CONTENTS

Questions and Answers.

Legal Practitioners (Amendment) Bill—Passed as amended.

Promissory Notes Stamp Bill—Passed.

Indian Trade Unions Bill—Passed as amended.

Election of a Panel for the Central Advisory Council for Railways.

Nominations to the Panels for Standing Advisory Committees.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Thursday, 25th February, 1926.

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

QUESTIONS AND ANSWERS.

EXPENDITURE ON THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN, ETC.

112. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state what is the total cost of the Imperial Forest Research Institute, Dehra Dun, to the Government of India? How many sections are there in the Institute? How many sections are put in charge of (*a*) European officers, and (*b*) Indian officers? How many officers in charge of the sections are in permanent employ and how many temporary? What are the qualifications of the officers in charge of the sections?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The work done at the Institute is of two kinds, research and education. Separate figures for the Research Institute and for the Forest College are not available, but as a result of the recommendations of the Indian Retrenchment Committee, the annual expenditure for the Institute and College was limited to Rs. 8,73,000 per annum for 1923-24 and the two following years. An annual revenue of over one lakh is realised from Local Governments, etc., on fees for students and from other sources.

There are five branches at the Institute, *e.g.*, Botanical, Economic, Silviculture, Entomological and Chemical.

A statement giving the further information asked for in this question is placed on the table.

Branch.	Officer.	Qualifications.	REMARKS.
1. Silviculture . .	H. G. Champion on deputation from U. P.	B. A., I. F. S.	
2. Economic Branch .	C. C. Wilson, on deputation from Madras.	B. A., I. F. S.	
Sections.			
(*a*) Minor Forest Products.	Vacant.		
(*b*) Wood Technology	Kept in abeyance for 5 years from April 1924.		

Branch.	Officer.	Qualifications.	Remarks.
(c) Paper Pulp . .	W. Raitt (Temporary) .	F.C S. is a paper and pulp maker by profession.	
(d) Seasoning . .	S. Fitzgerald (Temporary).	Is a seasoning expert by profession.	
(e) Wood Preservation .	J. H. Warr (Temporary)	Is a wood preservation expert by profession.	
(f) Timber Testing .	L. N. Seaman (Temporary).	M. A., B. Sc., M.E.I.C.	
(g) Workshops . .	W. Nagle (Temporary).	Is an expert wood worker by profession.	
3. Botanical Branch .	R. N. Parker on deputation from the Punjab.	I. F. S.	Mr. Parker is at present on leave and his Assistant Mr. B. C. Gupta, M. Sc., F. L. S., is now in charge of current duties of that post.
4. Entomological . .	D. J. Atkinson on deputation from Burma.	I. F. S. Special trained in forest entomology.	
5. Chemical . . .	Dr. J. N. Sen, on deputation from Agriculture Department.	M.A., Ph. D.	

INDIANISATION OF THE POSTS OF SPECIALISTS AT THE IMPERIAL FOREST RESEARCH INSTITUTE AT DEHRA DUN.

113. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state what efforts have been made to put Indians in permanent charge of sections when the posts fall vacant or when the terms of the temporary specialist officers expire?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Four Indians have already been appointed to understudy the Paper Pulp, Wood Preservation, Timber Testing and Seasoning experts.

The sole test for charge of these very technical sections is efficiency. When vacancies occur Indians available will be judged by that test and if found suitable they will be appointed.

APPOINTMENT OF AN INDIAN TO THE POST OF PRESIDENT OF THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.

114. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state whether they have considered the advisability of appointing an Indian expert with scientific and commercial training as the President of the Imperial Forest Research Institute, Dehra Dun?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The reply is in the negative. The qualifications requisite for this post are more varied than is assumed in the Honourable Member's question and the *sine qua non* is a thorough practical experience in forestry. When an Indian with requisite qualifications is available the Honourable Member may rest assured that his claims will be considered.

REDUCTION OF THE NUMBER OF OFFICERS IN RECEIPT OF RS. 1,000 A MONTH IN THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.

115. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state whether they have considered the advisability of reducing the number of officers getting over Rs. 1,000 a month with a view to retrenchment?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: It is assumed that the Honourable Member's question refers to the Forest Research Institute and College, Dehra Dun. If so, the reply is in the negative.

It is necessary to have officers of experience at the Institute and a limitation of the rate of pay in the manner suggested would make it impossible to carry out the purposes of the Institute.

NUMBER OF INSTRUCTORS AND ASSISTANT INSTRUCTORS IN THE IMPERIAL FOREST RESEARCH INSTITUTE AND COLLEGE, DEHRA DUN.

116. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state the number of Instructors and Assistant Instructors in the Forest College, Dehra Dun? How many of them are Europeans and Indians? How many Indians have held posts as Instructors since the College was founded?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The sanctioned cadre includes 4 Instructors and 4 Assistant Instructors. Of these, seven are filled at present. Three Europeans hold Instructors' posts and four Indians hold Assistant Instructors' posts.

No Indian has yet held the post of an Instructor.

CLOSING OF THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.

117. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state whether they contemplate closing a part or the whole of the Institute in the near future?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The answer is in the negative.

GRANT OF EXTENSIONS OF SERVICE TO TEMPORARY SPECIALIST OFFICERS EMPLOYED IN THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.

118. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state how many of the temporary specialist officers have been given extensions of tenures and the length and number of the extensions granted to each officer?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: A statement giving the information asked for is laid on the table.

Name of Officer.	Section.	1st appointment.	1st extension.	2nd extension.
W. Raitt . . .	Paper Pulp .	For 3 years from December 1920.	For 2 years from December 1923.	For 1 year from December 1925.
S. Fitzgerald . .	Seasoning .	For 6 months from February to August 1924.	For 2½ years from August 1924.	...
L. N. Seaman . .	Timber Testing .	For 3 years from September 1920.	For 2 years from September 1923.	For 5 years from November 1925.
W. Nagle . .	Workshops .	For 3 years from February 1921.	For 3 years from February 1924.	...

GRANT OF EXTENSIONS OF SERVICE TO THE TIMBER TESTING EXPERT OF THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.

119. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state whether it is a fact that the officer in charge of the timber testing section was first employed for three years in September, 1920, and has been since given an extension first of ten years and, when that term expired, for a further term of five years on a salary of Rs. 1,750 per month? If so, will the Government be pleased to state whether no qualified Indian was available for the post?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: As will be observed from the statement laid on the table in reply to the Honourable Member's previous question, the services of Mr. L. N. Seaman, officer in charge, Timber Testing Section, have been retained for a total period of 10 years in all.

No qualified Indian was available for the post because the work done in the Timber Testing Section is of an exceptionally technical nature. No Indian is as yet available to take charge of the Section although two Indian officers have been tried under training. Mr. Seaman has been at Dehra Dun for a total period of 5½ years.

LEGAL PRACTITIONERS (AMENDMENT) BILL.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I move that the Bill further to amend the Legal Practitioners Act, 1879, as passed by the Legislative Assembly, be taken into consideration.

This is another Bill which intends to give effect to a recommendation of the Civil Justice Committee and is intended to deal with the evil of touting. In accordance with the suggestion of the Civil Justice Committee the Bill provides a new definition of the word "tout". Under the present Legal Practitioners Act it is the District Judge who can declare a person to be a tout and he has to hold the necessary inquiry. The Civil Justice Committee suggested that the district courts should be empowered to authorise subordinate courts before whom a particular tout is supposed to carry on his work to make the necessary inquiry and submit a report to the

District Judge who should be the person to include the name of the tout in the list of touts, of course, after again hearing the person who is charged as a tout. The Bill attempts to give effect to that recommendation. Again, there has always been a difficulty in proving what is the general repute of the tout, and the Civil Justice Committee recommended that if the Bar Associations passed a resolution by a majority that a certain person was a tout, that should be taken as evidence of general repute, and the explanation in clause 3 of the new Bill provides for that. The Civil Justice Committee also suggested that there should be some punishment for a tout who, after being declared to be a tout, still carries on his work as a tout, and the last sub-clause of clause 3 provides for that. I move that the Bill be taken into consideration.

The motion was adopted.

THE HONOURABLE MR. S. R. DAS: Sir, I move as an amendment:

"That in clause (*a*) of the definition proposed to be inserted in the Legal Practitioners Act, 1879, by clause 2 of the Bill:

(1) the words 'or from any person interested in any legal business' be omitted, and

(2) for the words 'in such business' where they first occur, the words 'in any legal business' be substituted."

In the definition given in the Bill a tout is said to be a person who procures, in consideration of any remuneration moving from any legal practitioner or from any person interested in any legal business, the employment of the legal practitioner in such business. It was pointed out during the debate in the Legislative Assembly that the words "or from any person interested in any legal business" may include the case of a client employing a person to procure him a legal practitioner which he would be justified in doing and which would not necessarily make that person a tout, and it was suggested that this matter should be considered in the Council of State. In view of the expression of opinion of the Legislative Assembly, with which the Government agree, I am now moving as an amendment that the words "or from any person interested in any legal business" should be omitted, and that as a consequential amendment in place of the words "in such business" where they first occur, the words "in any legal business" be substituted.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill, as passed by the Legislative Assembly, and as amended by this Council, be passed.

The motion was adopted.

PROMISSORY NOTES (STAMP) BILL.

THE HONOURABLE MR. A. C. McWATTERS (Secretary, Finance Department): Sir, I move that the Bill to provide for the validation of certain promissory notes, as passed by the Legislative Assembly, be taken into consideration.

[Mr. A. C. McWatters.]

The object of this Bill is to validate certain promissory notes which erroneously but in good faith have been stamped with postage stamps of two annas and four annas. The situation has arisen in this way. The Indian Stamp (Amendment) Bill which came into force on the 1st October 1923 raised the rate of stamp duty on promissory notes from the uniform rate of one anna to a sliding scale from one anna to four annas according to the value of the promissory notes. On the same date a notification was issued amending the Stamp Rules to allow postage and revenue stamps of one anna and half an anna to be used for stamp duty on such notes. Later, on the 5th of January, 1925, a further notification was issued which allowed the use of postage stamps of two annas and four annas. But it has come to our notice that in the meantime between the date of the passing of the Act and the 5th of January 1925 certain promissory notes have been stamped with postage stamps of two annas and four annas under the impression that this was legitimate. The Government of India, in order to validate such notes and to avoid any possible hardship to people who have stamped their documents in this manner, have brought forward this Bill after consulting Local Governments.

The motion was adopted:

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. A. C. MCWATTERS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN TRADE UNIONS BILL.

THE HONOURABLE THE PRESIDENT: Before I call on the Honourable Mr. Ley to move the motion standing in his name on the paper, I have to place certain facts before the Council. If the Council will turn to clause 15 of the Bill as passed by the Legislative Assembly, which is before them, and if they will turn to sub-clause (*d*) of clause 15, they will see the words "the conduct of trade disputes" printed there. In the Bill which the Assembly was considering when it was passed, clause (*d*) ran as follows: "the conduct of trade disputes on behalf of the Trade Union or any member thereof". An amendment was moved in another place to omit those last ten words, and it was rejected. Therefore in the Bill as passed there those ten words were retained, but by some unaccountable mistake, for which I may say at once, the staff of this Council is not responsible, those ten words were omitted in the copy of the Bill which was laid on the table of this House as the Bill passed by the Legislative Assembly. Technically, therefore, the Bill as passed by the Legislative Assembly was not laid on this table the other day I think I may assume, after the explanation I have given to the Council that the Bill, a correct copy of which is now laid on the table, has now been laid on the table of this House.

Under the Standing Orders the Honourable Mr. Ley is therefore now entitled to give three days' notice of his motion to take this Bill into consideration. At the same time, the Chair has discretion to allow him to move the motion without notice. I have explained the circumstances to Honourable Members, because I am myself willing to leave the decision in their hands whether we should proceed with this measure to-day or not. I have the power to allow the Honourable Mr. Ley to move the motion standing in his name, but if any Honourable Member objects on the ground that we should require further notice in view of the facts to which I have drawn attention that those last ten words in sub-clause (*d*) have not till now been before them, I should be quite prepared to consider the matter.

(After a pause.)

I may take it, I think, that the House is prepared to proceed with the Bill.

THE HONOURABLE MR. A. H. LEY (Secretary for Industries and Labour): Sir, I move that the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as passed by the Legislative Assembly, be taken into consideration.

This important measure, Sir, is one which has been the subject of public discussion for a very long time. Before the Bill was actually introduced in another place, so long ago as January 1925, the principles of the Bill had been publicly canvassed, and after the Bill was introduced, it was, as this Council is aware, the subject of much discussion and prolonged debate in another place. I think it is unnecessary for me, therefore, to take up the time of this House by describing the origin and history of this measure, as I am quite sure all Honourable Members are familiar with it, and I can pass on at once to deal with the main principles of the Bill as it now appears before us. It is a truism to say that Trade Unions are a new growth in this country. They have not behind them the long history of a hundred years and more which led up to the various pieces of Trade Union legislation in England and other countries, where the education of the labouring classes and the organisation of labour are much further advanced than they are in India. The Bill before the Council is consequently designedly framed with the specific object of meeting the comparatively simple needs of a young movement in this country, and it was designed solely with the object of guiding that young movement in the right direction and of fostering the growth of Trade Unions in India on right and sound lines. It is a Bill in the first place for the registration of Trade Unions, and in certain respects to define the law relating to registered Trade Unions. There is, it will be seen, no compulsion to register. It is left to any Trade Union to register or not under the provisions of this Bill as it likes, and the position in law of an unregistered Trade Union will, of course, remain exactly as it is at present. The Bill merely seeks to give to Trade Unions which do register certain privileges and, as a corollary, certain responsibilities. The whole principle of the Bill is that privileges and responsibilities should go hand in hand, and that is why the benefits of the Bill are confined to registered Trade Unions. I mention this point specifically—it is clearly an obvious point—because it is one which has been the subject of a considerable amount of discussion in another place.

[Mr. A. H. Ley.]

That is the first and cardinal principle of the Bill. It applies to registered Trade Unions and no others.

Now, what are the privileges and what are the responsibilities which the Bill confers or imposes on registered Trade Unions? The main privileges are those conferred by clauses 17 and 18 which give immunity to registered Trade Unions from liability in certain circumstances from the ordinary provisions of the civil and criminal law. I do not think I can do better than quote, in explanation of what these privileges are, the Statement of Objects and Reasons contained in the Bill as it was originally introduced in another place. Clause 17, which used to be clause 16 in the Bill as introduced in another place, deals with criminal conspiracy in trade disputes.

"Under the existing criminal law an agreement to do an illegal act is itself a criminal offence 'Illegal act' includes all acts which provide grounds for civil actions. Thus, for example, two men who agree to persuade workmen to break their contracts with their employers are guilty of criminal conspiracy. The clause, which is similar in its effect to the corresponding provisions of the English law, protects trade unionists from prosecutions for criminal conspiracy where the agreement into which they have entered is not an agreement to commit an offence."

That is the immunity granted by clause 17 from the ordinary provisions of the criminal law. The next clause, clause 18, deals with immunity from civil actions and reproduces a part of the English law on the subject.

"The first part of this clause"—I again quote from the Statement of Objects and Reasons—"corresponds to sections 1 and 3 of the British Trade Disputes Act, 1906, and protects trade unions and their officers and members from certain civil actions. An important type of action which this clause will prevent is a suit arising out of the persuasion exercised on trade union members and others to join in a strike, where that strike (as is frequently the case) involves breach of contract on the part of workmen."

The second part of the clause gives Trade Unions a large measure of immunity from liabilities arising out of tortious acts committed by their agents; that is to say, it alters the ordinary law of agency in favour of Trade Unions. That gives them a very privileged position to which an ordinary person is not entitled under the ordinary law. Those, Sir, are the main privileges which the Bill confers upon registered Trade Unions.

Now, what are the responsibilities? The responsibilities will be found mainly in the provisions of clauses 15 and 16 which provide for the objects on which the funds of a registered Trade Union can legitimately be spent. I wish to make it clear that the Bill itself places no restriction at all upon the objects which a Trade Union may pursue. It merely provides that the expenditure of its funds must be limited to certain specified trade union objects. I think I need hardly deal with that point at any length because the propriety of the principle will, I feel sure, be recognised by all shades of opinion in this Council. I think, however, that I should make a little more detailed reference to clause 16. This clause, as Honourable Members are no doubt aware, was introduced by the Select Committee of the Legislative Assembly and did not find a place in the proposals of Government when the Bill was first introduced. The clause provides for the constitution of a separate fund for political objects. There was, as the House is well aware, a good deal of controversy when this legislation was on the anvil on the point whether, in the existing state of education and organisation of

the labouring classes in this country, it was wise to allow Trade Unions to spend their funds in furtherance of political objects. There are, I think, speaking very broadly, two extreme points of view on this subject. One school of thought urged that it was not only right and proper but that it was essential for the upkeep and the awakening of the labouring classes in this country to allow Trade Unions to spend money in procuring the candidature of labour representatives in political institutions. Indeed, that school would go a great deal further than is provided for in the Bill and would have adopted the full provisions of the English law on the subject, to which I shall refer presently. The other school of thought dwelt on the danger of allowing funds subscribed by the illiterate and comparatively unorganised working classes in India to be frittered away for purely political purposes in which the labourers were possibly not interested or concerned. In other words, they were afraid that the introduction of a political fund might be utilised by interested persons for the exploitation of the workman against his own best interests. The provisions of the Bill as it comes before this Council—clause 16—are obviously a compromise between those two extreme points of view, with a distinct bias in favour of the former. The Bill does not go as far as the English law on the subject. The English law which was introduced in 1913 provides that if a Trade Union by a resolution passed on a ballot of the members chooses to establish a political fund it may do so, and that means that the members of the Trade Union are obliged to subscribe to that political fund unless they, what is called, "contract out," that is to say, sign a declaration or give notice that they do not wish to subscribe to that fund. The Bill before this Council, if I may say so, reverses the process. It allows a member of a Trade Union to "contract in," the opposite of contracting out. Any member of a Trade Union may ask to be allowed to contribute to the political fund, if a political fund exists, but, of course, contribution to that fund is in no way a condition of admission to the Union. It is perhaps unnecessary for me to remind Honourable Members of this Council that even in the advanced conditions of labour organisation in England there has been a great deal of criticism on this subject of the "contracting out" system on the ground that it leads or may lead to illegitimate pressure being brought to bear upon the workman himself. The question is a highly controversial one in England, but I am sure that Honourable Members will agree with me when I say that in the interests of the much less organised and comparatively uneducated working classes in this country the Bill before the House is wise in not adopting the full provisions of the English law.

Now, Sir, I have only two other points of principle in the measure to which I think I need refer and they are points of some importance. If Honourable Members will turn to clause 6 (*1*), they will see that that clause provides for an annual audit of the accounts of a registered Trade Union. That, I think everybody will agree, is a most salutary, and even an essential, part of this Bill, the reasons for which are so obvious that I do not think I need go into them. The other point to which I would draw the attention of the Council is clause 22 which provides—it is not one of the responsibilities or the privileges, but it is an important clause,—which provides that not less than half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is concerned, subject to a proviso with which I need not trouble the House as it does not affect my argument. This clause, while recognising that in the infancy of the Trade Union movement

[Mr. A. H. Ley.]

in this country and in the comparatively uneducated condition of the labouring classes it may be essential for a Trade Union to invoke the assistance of outsiders on the executive of the Union in the furtherance of Trade Union affairs, secures that the workers themselves shall obtain the full opportunity of education in Trade Union affairs. This is based on the principle that, after all, the workman is himself in the best position to look after his own interests, and that it is highly desirable even in the very early stages of trade unionism in this country that he should have opportunities of doing so and educate himself in the conduct of Trade Union affairs.

Now, Sir, I have dealt with the main principles of this important measure, and I would ask Honourable Members to give it their support. The Bill may not possibly meet the wishes or satisfy the opinions of all of us. Nobody pretends that it is perfect. Nobody pretends that it is the last word on the subject. But, after all, it must be remembered that the Bill breaks new ground; it breaks entirely new ground in legislation in India, and it is obviously our duty to walk warily and to evolve a measure, which, as I have said, is a measure of sufficient simplicity divined with the one object of guiding the Trade Union movement, which has undoubtedly come to stay, and fostering it on sound and genuine lines.

The motion was adopted.

Clause 2 was added to the Bill

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 were added to the Bill.

THE HONOURABLE MR. A. H. LEY: I move:

"That in sub-clause (*j*) of clause 15 for the words beginning with 'provided such' and ending with 'at the time of such payment' the following be substituted, namely:

'Provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year'."

This is little more than a drafting amendment. It is designed to give full effect to the intentions of the Legislative Assembly in passing this clause of the Bill. There was a good deal of discussion in another place on this particular sub-clause, and the intention of the Legislative Assembly was that it should be permissible for a registered Trade Union to spend up to one-fourth of its funds in any year on the extraneous purposes provided for in the first part of this clause, that is to say:

"the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general."

The intention was to introduce a measure in the law which on the whole is salutary, and I think there will be general agreement on that point. But unfortunately the wording actually adopted in another place can possibly be used to frustrate the intention of the other House. The wording as adopted by the Assembly was:

"provided such payment does not exceed one quarter of the amount of the general funds available at the disposal of the Trade Union at the time of such payment."

and the difficulty arises merely because of the use of the words "at the time of such payment". It is obvious that in the clause as settled in

another place it would be possible for a Trade Union to dissipate the whole of its funds within a week or within any specified time on these extraneous purposes. Supposing a Trade Union to-day, on the 26th February, we will say, has Rs. 100 to its credit. It could pass a resolution that one-fourth of this sum shall be devoted, let us say, to the Servants of India Society. That would leave a sum of Rs. 75. It could then pass another resolution within a week taking away one-fourth of that amount and so on *ad infinitum*, till there was nothing left. It is obvious, therefore, that it is necessary to get the wording corrected so as to give effect to the intention of the Legislative Assembly in passing this clause. That, Sir, is the sole object of my motion.

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clauses 16, 17, 18, 19, 20 and 21 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 22 do stand part of the Bill."

THE HONOURABLE MR. MANMOHANDAS RAMJI VORA (Bombay: Non-Muhammadan): Sir, I do not want to give a silent vote on this clause, because the provision of half the number of outsiders is too much. But in the beginning we have to try the effect of the working of this Bill, and therefore I do not want to object to it. The real object ought to be that those who are to be benefited by the provisions of a certain Act should predominate in the guidance of the working of that Act, and therefore it is but right that there should be a majority of the people who are thereby affected. When an enactment of this sort is passed in this country there ought to be as little objection as possible, but I think that as time goes on particular attention would be paid that no more than the necessary proportion should be allotted to outsiders for the conduct of the business of any institution of this nature.

THE HONOURABLE MR. A. H. LEY: I do not gather, Sir, that my Honourable friend who has just spoken wishes to object to the clause as it stands at present—at any rate we have not had any notice of amendment. I quite see the force of his point, and it is obviously desirable that as the Trade Union movement develops in this country—and we hope that that will take place—the working classes should themselves take more and more part in the direction of Trade Union affairs. I think that is an object which we all sympathise with. But the present clause as it stands and as it has been sent up to this Council by the Legislative Assembly is really, if I may say so, a compromise. The clause as it emerged from Select Committee in the Legislative Assembly provided for even a smaller number of workers themselves in the executive of the Trade Union. It provided only one-third; and, as my Honourable friend is aware, there was an amendment made in another place which restored the Bill to very nearly its original state by providing that not less than one-half of the members of the executive of a Trade Union shall be workers in the industry concerned. And I think myself that that is a reasonable proposition at present in the existing state of the comparatively illiterate, unorganised and uneducated position in which the working classes in India find themselves at the present moment.

Clause 22 was added to the Bill.

Clauses 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. A. H. LEY: Sir, I move that the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non Muhammadan): Sir, I am in entire agreement with the principle of this Bill. No doubt there is a feeling that the Bill has not gone as far as it ought to have gone in order to give effect to the principles underlying it. But speaking in my individual capacity I feel that legislation of this experimental character ought to proceed slowly, and therefore I am in a position to give my whole-hearted support to this Bill. In doing so I will say one word. Since 1924 the Railway Board has delegated large powers to Agents and there is a feeling in some of the railways that while the employees are anxious to form Labour Unions of railway employees, I am told—how far it is true I do not know—that in the Bombay, Baroda and Central India and some other Railways the Agents are not favourably inclined towards these Unions. I have some little experience of Labour Unions of railway employees. If the Government want this Bill to be given a fair chance in its application and tried in its entirety, I think it is but right that the Government ought to instruct Railway Agents and the Local Governments to see that nothing is done to disfavour the formation of Unions and that nothing is done to discourage such Unions. Unless those Unions work in an atmosphere of goodwill and sympathy no beneficial results will accrue from this Bill. Therefore, this Bill which is beneficial in its effects will, I hope, be given a fair trial by instructing the Railway Agents to whom large powers are delegated by the Railway Board, and against whose decisions, I am told, appeals do not lie now, not to do anything to curtail such freedom as the Unions enjoy under this Bill. With this observation, Sir, I support this Bill.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I did not come prepared to talk about Trade Unions in connection with Railways, but I can assure my Honourable friend quite whole-heartedly that the Railways always do carry out and will carry out in the spirit in which it is meant, the legislation that is passed by the Legislature of this country.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as passed by the Legislative Assembly, and as amended by the Council of State, be passed."

The motion was adopted.

ELECTION OF A PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT: Honourable Members will now proceed to elect a panel of 8 Members from which the Members of the Central Advisory Council for Railways will be selected. The Council will recollect that on Tuesday last at the close of the proceedings, the Honourable Mr. Ramadas Pantulu requested that he might be allowed to withdraw his nomination. I am glad to say that he reconsidered that request and desired to withdraw it. His name, therefore, appears in the list of duly nominated Members. There is also one other name in the list which I had not read out to the Council on Tuesday, that of the Honourable Shah Muhammad Zubair, whose nomination had been received by the time fixed for these nominations but was not at that moment in my hands. The Council will now proceed with the election.

(The ballot was then taken.)

NOMINATIONS TO THE PANELS FOR STANDING ADVISORY COMMITTEES.

THE HONOURABLE THE PRESIDENT: I have received the following nominations for the panels for the various departmental Standing Advisory Committees.

HOME DEPARTMENT.

For the panel of the Standing Advisory Committee in the Home Department:—

The Honourable Mr P. C. Desika Chari.
The Honourable Colonel Nawab Sir Umar Hayat Khan.
The Honourable Mr. V. Ramadas Pantulu.
The Honourable Seth Govind Das
The Honourable Rai Bahadur Nalininath Sett.
The Honourable Mr. Shah Muhammad Zubair.
The Honourable Sir C. Sankaran Nair.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. G. S. Khaparde.
The Honourable Major Nawab Mohamad Akbar Khan.

COMMERCE DEPARTMENT.

For the panel of the Standing Advisory Committee in the Commerce Department:—

The Honourable Mr. J. W. A. Bell.
The Honourable Sir Arthur Froom.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Rai Bahadur Lala Ram Saran Das.
The Honourable Saiyid Raza Ali.
The Honourable Mr. V. Ramadas Pantulu.
The Honourable Mr. Mahendra Prasad.
The Honourable Mr. Shah Muhammad Zubair.
The Honourable Mr. Manmohandas Ramji.
The Honourable Seth Govind Das.
The Honourable Mr. Lokenath Mukerjee.
The Honourable Mr. P. C. Desika Chari.

[The President.]

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

For the panel of the Standing Advisory Committee in the Department of Education, Health and Lands:—

The Honourable Colonel Nawab Sir Umar Hayat Khan.
The Honourable Mr. P. C. Desika Chari.
The Honourable Rai Nalininath Sett Bahadur.
The Honourable Mr. Mahmood Suhrawardy.
The Honourable Mr. Anugraha Narayan Sinha.
The Honourable Dr. U. Rama Rau.
The Honourable Saiyid Raza Ali.
The Honourable Mr. Ratansi Dharmsi Morarji.
The Honourable Raja Sir Rampal Singh.
The Honourable Major Nawab Mohamad Akbar Khan.

DEPARTMENT OF INDUSTRIES AND LABOUR.

For the panel of the Standing Advisory Committee in the Department of Industries and Labour:—

The Honourable Sir Arthur Froom.
The Honourable Mr. Mahendra Prasad.
The Honourable Mr. Lokenath Mukerjee.
The Honourable Mr. Shah Muhammad Zubair.
The Honourable Seth Govind Das.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Saiyid Raza Ali.
The Honourable Mr. J. W. A. Bell.
The Honourable Mr. K. C. Roy.
The Honourable Sir C. Sankaran Nair.
The Honourable Rai Bahadur Lala Ram Saran Das.
The Honourable Mr. P. C. Desika Chari.
The Honourable Mr. Manmohandas Ramji.

The number of Members required on each panel is six only, and as the number of nominations in each case exceeds that number, there will have to be an election in each case. Those elections will take place in the ordinary manner, that is to say, in the manner in which the election has taken place to-day, on Monday, the 1st March, to which day at 11 O'clock the Council will now stand adjourned.

The Council then adjourned till Eleven of the Clock on Monday, the 1st March, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

MONDAY, 1st MARCH, 1926

Vol. VII—No. 11

OFFICIAL REPORT

CONTENTS

Questions and Answers.

Result of the Election to the Central Advisory Council for Railways.

Election to the Advisory Publicity Committee of Messrs. Ramadas Pantulu and Khaparde.

Elections to the Panels of Departmental Standing Committees.

General Budget for 1926-27.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Monday, 1st March, 1926.

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

QUESTIONS AND ANSWERS.

Differential Treatment accorded to European and Anglo-Indian and Indian Apprentices in the Railway Workshop of the East Indian Railway at Jamalpur.

120. The Honourable SHAH MUHAMMAD ZUBAIR: Is it a fact that differential treatment is accorded to Anglo-Indian and European first class bound apprentices as against their Indian colleagues in the Jamalpur East Indian State railway workshop, in the matter of their respective pays, allowances, pass, leave and holiday advantages, as well after employment as before it?

Allowances of European and Anglo-Indian and Indian Apprentices in the East Indian Railway Workshop at Jamalpur.

121. The Honourable SHAH MUHAMMAD ZUBAIR Is it a fact:

(*a*) that Indian, Anglo-Indian and European apprentices are taken in after passing a test examination of the same standard and thereafter have to undergo the same course of training; and

(*b*) that Indian apprentices get only Rs. 30 each as their initial food and pocket allowances rising up to Rs. 40 in the fifth year of their training, whereas their European and Anglo-Indian fellow brethren start with Rs. 52 rising up to Rs. 75 in the last year, *i.e.*, fifth year?

Initial starting Pay, after the conclusion of their course, of European and Anglo-Indian and Indian Apprentices on the East Indian Railway.

122. The Honourable SHAH MUHAMMAD ZUBAIR: Is it a fact that an Indian apprentice, after finishing his 5th year's course, is given, on employment, Rs. 61 only as his initial pay rising up to Rs. 81 at the rate of Rs. 5 a year, whereas his European and Anglo-Indian colleague starts with any pay between Rs. 170 and Rs. 190?

Scale of Pay of Indian Apprentices on the East Indian Railway.

123. The Honourable SHAH MUHAMMAD ZUBAIR: Is it a fact that the scale of pay of passed Indian apprentices, after employment, is no higher than that of illiterate second class mistries before the introduction of the new system?

NON-EMPLOYMENT OF INDIAN APPRENTICES TRAINED AT JAMALPUR AFTER THE CONCLUSION OF THEIR TRAINING.

124. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that most of the Indian apprentices are given no employment even after they have undergone the prescribed course of training?

EMPLOYMENT AT HIGH RATES OF PAY OF EUROPEAN AND ANGLO-INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

125. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that some trained Anglo-Indian and European apprentices, who possess no superior qualifications to those of the trained Indian apprentices, are employed on Rs. 210 or above by special sanction from the Agent?

METHOD OF RECORDING ATTENDANCE OF EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

126. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that passed Indian apprentices, after employment, have to draw attendance tickets and that their European and Anglo-Indian colleagues are allowed to record their attendance in the "Bundy Time Recorder"?

METHOD OF ENTRANCE TO AND EXIT FROM THEIR WORK OF EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES EMPLOYED ON THE EAST INDIAN RAILWAY.

127. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that passed Indian apprentices, when employed, have to enter and leave the shops by gates used also by coolies, whereas their Anglo-Indian and European colleagues enter and come out by the main gate?

METHOD OF PAYMENT OF THE SALARIES OF EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

128. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that Indian apprentices, after employment, receive their pay on the "Box-payment" system, whereas their Anglo-Indian and European colleagues sign their pay-sheets?

OVERTIME ALLOWANCES OF EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

129. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that passed Indian apprentices, after employment, and all other Indian employees in the workshop, get overtime allowances only for the actual periods of work, whereas all the Europeans and Anglo-Indians are allowed time and a half, that is to say, for working two hours' overtime they get three hours' allowance?

HOLIDAYS OF EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

130. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that the " no work, no pay " system obtains in the said workshop in the

case of Indian employees, whereas Anglo-Indian and European employees enjoy all the holidays with full pay?

LIABILITY TO SEARCH OF INDIAN APPRENTICES EMPLOYED ON THE EAST INDIAN RAILWAY.

131. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that trained Indian apprentices, when employed, are liable to have their persons searched and that their Anglo-Indian and European colleagues are not so liable?

TRAVELLING PASSES GRANTED TO EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

132. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: Is it a fact that, owing to disparity in the matter of pay and allowance, an Indian apprentice, during his training period as well as after employment in the workshop, gets third class free pass for travelling, whereas his Anglo-Indian and European colleagues enjoy intermediate and second class free passes?

EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE EAST INDIAN RAILWAY.

133. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: If the answer to all or any of the preceding questions be in the affirmative, do the Government propose to take measures to alter the present position?

GRANT OF HOLIDAYS FOR IMPORTANT FESTIVALS TO MUHAMMADAN CLERKS, APPRENTICES AND COOLIES EMPLOYED ON THE EAST INDIAN RAILWAY WORKSHOP AT JAMALPUR.

134. THE HONOURABLE SHAH MUHAMMAD ZUBAIR: (*a*) Is it a fact that Muhammadan clerks, apprentices and coolies in the Jamalpur workshop are allowed no holidays even for such important festivals as Id, Bakr Id, etc., and that office clerks are allowed to absent themselves on those days only at the cost of the usual period of casual leave allowed to them?

(*b*) If the answer to (*a*) be in the affirmative, do the Government propose to take any action in the matter?

THE HONOURABLE MR. D. T. CHADWICK: Sir, with your permission, I propose to reply to questions Nos. 120—134 together. The Government are making inquiries and will communicate with the Honourable Member in due course.

GOODS TRAINS ON BROAD GAUGE RAILWAYS.

135. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What has been the approximate number in each of the last 3 years of through goods trains on broad gauge railways running distances of 300 miles or over in which the number of wagons calculated on the 4-wheeler basis was 72 or more?

THE HONOURABLE MR. D. T. CHADWICK: The information asked for by the Honourable Member is not readily available on railways and cannot be obtained without an expenditure of time and labour which the value of results would not warrant.

SUFFICIENCY OF WATER IN THE INDUS FOR THE SUKKUR BARRAGE AS WELL AS THE IRRIGATION SCHEMES IN THE PUNJAB.

136. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is it a fact that some time ago the Government of India expressed the opinion that there is sufficient water in the Indus for the Sukkur Barrage as well as for all the coming irrigation schemes in the Punjab (Thal and Havelian)?

THE HONOURABLE MR. A. H. LEY: The answer is in the negative.

DISPUTE BETWEEN THE GOVERNMENT OF BOMBAY AND THE PUNJAB GOVERNMENT REGARDING THE APPORTIONMENT OF WATER IN THE INDUS.

137. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: (*a*) Will the Government be pleased to state the exact nature of the dispute between the Government of Bombay and the Punjab Government with regard to the apportionment of water in the Indus?

(*b*) Will the Government be pleased to state when it is likely to decide this dispute?

THE HONOURABLE MR. A. H. LEY: (*a*) The dispute relates to the question whether on the completion of the Sutlej Valley Project there will be sufficient water in the Indus and its tributaries to allow of other large projects being undertaken without prejudice to the Sukkur Barrage Project.

(*b*) Government are not in a position to say when a decision is likely to be reached.

ARTICLE IN THE ENGINEERING SUPPLEMENT OF THE *TIMES* REGARDING THE GUAGES AND DISCHARGES AT SUKKUR.

138. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Has the attention of the Government of India been drawn to an article written by Mr. F. W. Woods, late Chief Engineer of the Punjab, in the Engineering Supplement of the *Times*, dated 5th April, 1924, on the subject of the guages and discharges at Sukkur during the last 50 years?

THE HONOURABLE MR. A. H. LEY: The answer is in the affirmative.

SPEECH OF DR. SUMMERS, LATE CHIEF ENGINEER, SIND, REGARDING THE AVERAGE LEVEL OF WATER AT SUKKUR DURING THE LAST 60 YEARS.

139. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Has the attention of the Government of India been drawn to a speech which Dr. Summers, late Chief Engineer of Sind, read before the East India Association in July, 1921, on the subject of the average level of water at Sukkur during the last 60 years?

THE HONOURABLE MR. A. H. LEY: The answer is in the affirmative.

PURCHASE OF GOVERNMENT STORES THROUGH THE INDIAN STORES DEPARTMENT.

140. THE HONOURABLE RAO SAHIB DR. U. RAMA RÂU: (*a*) Will the Government of India be pleased to state if it was the object of the Govern-

ment, in creating the Indian Stores Department, to further the development of Indian industries?

(*b*) If the answer to (*a*) is in the affirmative, will the Government kindly say whether the requirements of the Central and Local Governments are being supplied by the Indian Stores Department and whether the supplies are all of Indian make?

THE HONOURABLE MR. A. H. LEY: (*a*) Yes, this was one of the principal objects in view.

(*b*) Local Governments and the consuming departments of the Central Government are not compelled to purchase all their requirements through the Indian Stores Department. The purchases made by this Department include imported stores which may be purchased in India in accordance with the Stores Purchase Rules of the Central Government (provided certain conditions are fulfilled) in addition to supplies of Indian manufacture.

PURCHASE OF GOVERNMENT STORES THROUGH THE INDIAN STORES DEPARTMENT.

141. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Is there any Local Government or Department of the Central Government which purchases the stores required by it through its own agency without placing the order through the Indian Stores Department?

THE HONOURABLE MR. A. H. LEY: Yes; I would refer the Honourable Member to Chapter III of the Administration Report of the Indian Stores Department for the year 1924-25, a copy of which is available in the Library.

LEVY OF CHARGES FOR SERVICES PERFORMED BY THE INDIAN STORES DEPARTMENT.

142. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Is the Indian Stores Department run on commercial lines and, if so, what percentage do the Government charge for the services of the Department?

THE HONOURABLE MR. A. H. LEY: The Department is not run on commercial lines in the sense of levying such charges for its services as completely cover the cost of its operation. But charges of 1 per cent. under each head are levied for the services of the Department in respect of purchases and of inspection carried out by it. Other charges, according to special scales, are levied for work done by the Metallurgical Inspectorate at Jamshedpur and the Government Test House at Alipore.

ABOLITION OF THE LEVY OF THE DEPARTMENTAL CHARGES CHARGED BY THE INDIAN STORES DEPARTMENT.

143. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Is there any proposal to abolish the levy of the departmental charges charged by the Indian Stores Department?

THE HONOURABLE MR. A. H. LEY: Such a proposal has been considered, but Government, as at present advised, are not disposed to pursue it.

TOTAL VALUE OF PURCHASES MADE BY THE INDIAN STORES DEPARTMENT DURING THE LAST TWO YEARS, ETC.

144. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: What was the total value of purchases made by the Indian Stores Department during the past two years, the percentage charges levied on the indenting departments and the maintenance charges of the Indian Stores Department during the same period?

THE HONOURABLE MR. A. H. LEY: The figures are as follows:

	Total value of purchases made by the Indian Stores Department.	Percentage charges levied in respect of the foregoing purchases (not completely adjusted within the same financial year).	Total cost of the maintenance of the Indian Stores Department.
	Rs.	Rs.	Rs.
1923-24	1,67,24,401	1,67,244	9,22,667
1924-25	2,59,11,141	2,59,111	10,36,772

I should like to explain that the difference between the figures showing the percentage charges and the cost of maintenance do not represent the actual loss on the working of the department, the revenue of which includes, in addition to the charges of 1 per cent. on purchases arranged:

(1) One per cent. for inspection of stores purchases by the department if they are also inspected;

(2) Inspection fees on stores purchased direct by other departments of Government but the inspection of which is entrusted to the Indian Stores Department;

(3) Testing fees for tests and analyses carried out by the Government Test House; and

(4) Miscellaneous receipts by sale of tender forms, etc.

The receipts and expenditure of the department as a whole for the last two years compared as follows:-

	Receipts.	Expenditure.
	Rs.	Rs.
1923-24	5,69,659	9,22,667
1924-25	7,63,208	10,36,772

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: May I know if the percentage levied is sufficient to cover the cost of the stores organisation?

THE HONOURABLE MR. A. H. LEY: As already explained in my answer . . . .

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: I did not hear the Honourable Member at all.

THE HONOURABLE MR. A. H. LEY: I am afraid the reply is rather long. The percentage does not at present cover the whole cost of the maintenance of the Department.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: If not, how do the Government propose to meet the deficit?

THE HONOURABLE MR. A. H. LEY: I should explain that during the process of the organisation of the Department it is hardly to be expected that the percentage charges levied should cover the whole cost of the Department, because until the Department is fully organised and fully utilised, the overhead charges are higher than they would otherwise be. It is hoped that as the Department grows the charges will cover the cost of maintenance.

NUMBER OF INDIAN OFFICERS EMPLOYED IN THE INDIAN STORES DEPARTMENT.

145. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: What is the total number of Indian officers at present in the headquarters and provincial branches of the Indian Stores Department?

THE HONOURABLE MR. A. H. LEY: There are at present 22 Indian officers of gazetted rank, of whom 5 are employed at headquarters and 17 in the Provincial Circles?

INDIANISATION OF THE INDIAN STORES DEPARTMENT.

146. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Was it the intention of the Government to Indianize the Department when it was first started?

THE HONOURABLE MR. A. H. LEY: I would invite the Honourable Member's attention to paragraphs 196 and 234 of the Stores Purchase Committee's Report which indicate the policy followed by the Government of India in this matter.

PURCHASE OF BLACK LEAD PENCILS FOR THE USE OF GOVERNMENT OFFICES.

147. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Will the Government be pleased to state:

(*a*) the actual quantity of black lead pencils indented for by the Government of India during the past three years;

(*b*) whether the supplies were obtained from accepted tenderers or purchased from the market as occasion arose; and

(*c*) if the latter, whether they were purchased from Indian or foreign markets, and what was the quantity from each source during the past three years?

THE HONOURABLE MR. A. H. LEY: (*a*) 1923-24, 4,895 gross, 1924-25, 4,080 gross, and 1925-26, 5,220 gross.

(*b*) From accepted tenderers only.

(*c*) Does not arise.

PURCHASE OF PENCILS FOR THE USE OF GOVERNMENT OFFICES FROM THE MADRAS PENCIL FACTORY.

148. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: (*a*) Are the Government aware of the existence of a firm in Madras known as "The Madras Pencil Factory"?

(*b*) Was any offer made by "The Madras Pencil Factory" recently to supply the Government of India with the requisite quantity of pencils at a cheap rate?

(*c*) What have the Government done to support the indigenous pencil industry?

THE HONOURABLE MR. A. H. LEY: (*a*) and (*b*). Yes.

(*c*) Orders have, when possible, been placed in India. Large orders were formerly placed with the particular firm mentioned in the previous parts of this question, but owing to the poor quality of the pencils supplied, which led to numerous complaints, the placing of further orders had to be discontinued.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: May I ask for what period the firm was supplying?

THE HONOURABLE MR. A. H. LEY: 1923-24, and 1924-25, as far as I recollect. No orders were placed for 1925-26, or it may be perhaps a year earlier. I am not quite sure.

THE HONOURABLE SIR ARTHUR FROOM: May I ask the Government whether the pencils supplied to the Honourable Members of this Council come from the Madras factory?

THE HONOURABLE MR. A. H. LEY: I am unable to answer that question.

ESTABLISHMENT OF THE PUBLIC SERVICES COMMISSION.

149. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Will the Government of India be pleased to state when the Public Services Commission proposed by the Royal Commission on Public Services is likely to be constituted?

THE HONOURABLE MR. J. CRERAR: I regret that I am not yet in a position to give the Honourable Member the information for which he asks, as the personnel of the Public Services Commission is still under the consideration of the Secretary of State in Council.

SMUGGLING OF SACCHARINE.

150. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: (*a*) Is it a fact that the Government of India imposed a duty of Rs. 20 per pound on the imports of saccharine, in March 1923, to protect their revenue from sugar?

(*b*) Is it a fact that the actual import of saccharine to India from foreign countries has decreased during the past two years and, if so, by how much per cent.?

(*c*) Is it a fact that the market price of saccharine in India has not gone up and that it is being sold at Rs. 7 per pound?

(*d*) Have the Government received representations from the saccharine merchants of Bombay that there is a good deal of smuggling going on in saccharine and that the Government of India and the saccharine merchants have been put to considerable loss owing to the activities of the smugglers?

(*e*) If so, what action have the Government of India taken thereon?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) Yes.

(*b*) Customs duties were collected in 1923-24 on 6,778 lbs., in 1924-25 on 13 lbs. and in the first nine months of this year on 11 lbs. The decrease in imports of duty paid saccharine is therefore 99·69 of the duty paid imports in 1923-24.

(*c*) Yes. The Government have been informed that saccharine has been freely sold in Bombay at prices in the neighbourhood of Rs. 7 per lb.

(*d*) Yes.

(*e*) The Government proposed to reduce the duty on saccharine to Rs. 5 a lb. and included a clause to that effect in the Tariff Amending Bill introduced this Session in another place.

INQUIRY INTO THE PREVALENCE OF TUBERCULOSIS IN INDIA.

151. THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: (*a*) Is it a fact that in 1913 or thereabouts the Government deputed Dr. Lankester, I.M.S., to investigate and report on the best method of combating tuberculosis?

(*b*) If so, will the Government be pleased to lay the papers on the table of the House and to state what action was taken thereon?

(*c*) Do the Government propose to institute a fresh inquiry into the matter?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: (*a*) and (*b*) Dr. Lankester, who was not a member of the I. M. S., but a missionary doctor, was deputed by the Indian Research Fund Association in 1914 to conduct an inquiry into the prevalence of tuberculosis in India. Copies of the report submitted by him and of a memorandum by the Scientific Advisory Board of the Indian Research Fund Association on this report were forwarded to all Local Governments for information and such action as they considered necessary. The question of making these papers public will be considered.

(*c*) The matter is now primarily the concern of Local Governments, and the Government of India do not at present contemplate instituting a fresh inquiry.

IMPORT DUTY ON SACCHARINE.

152. THE HONOURABLE MR. ANUGRAH NARAYAN SINHA: (*a*) Will the Government be pleased to state the rate at which the duty on import of saccharine is levied?

(*b*) Is it a fact that this import duty was intended to protect the revenue from sugar? If the answer be in the affirmative, has it attained the object in view?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) Rs. 20 per lb.

(*b*) The answer to the first part is yes and to the second part no.

SMUGGLING OF SACCHARINE.

153. THE HONOURABLE MR. ANUGRAH NARAYAN SINHA: Is it a fact that the saccharine merchants of Bombay have drawn the attention of the Government of India to the existence of smuggling on a large scale?

THE HONOURABLE MR. D. T. CHADWICK: Yes, Sir.

SUPPRESSION OF THE SMUGGLING IN SACCHARINE.

154. THE HONOURABLE MR. ANUGRAH NARAYAN SINHA: (*a*) Is it a fact that the Saccharine Merchants' Association made many practical suggestions for the suppression of smuggling?

(*b*) Do the Government propose to give effect to them? If not, will the Government be pleased to state their reasons?

THE HONOURABLE MR. D. T. CHADWICK: (*a*) and (*b*). The Government gave very careful consideration to the suggestions received from this Association but did not adopt them because they entailed applying to dealings in saccharine the whole machinery of the Excise administration with powers of search, seizure and punishment for being in possession of unlicensed saccharine. The Government did not think that such measures would either be acceptable to the country or would be advisable.

ABOLITION OF THE IMPORT DUTY ON SACCHARINE.

155. THE HONOURABLE MR. ANUGRAH NARAYAN SINHA: Is it a fact that the Government of India contemplate abolishing import duty on saccharine altogether?

THE HONOURABLE MR. D. T. CHADWICK: No.

QUANTITY OF SACCHARINE IMPORTED INTO INDIA FOR THE YEARS 1919-20 TO 1924-25.

156. THE HONOURABLE MR. ANUGRAH NARAYAN SINHA: Will the Government be pleased to lay on the table a statement giving the figures for the import of saccharine for the years 1919-20 to 1924-25?

THE HONOURABLE MR. D. T. CHADWICK: A statement is laid on the table.

Statement showing the quantity and value of saccharine imported into British India during the years 1919-20 to 1924-25.

Year.	Quantity.	Value.
	lbs.	Rs.
1919-1920	41,810	4,45,700
1920-1921	55,750	7,44,270
1921-1922	48,939	4,17,165
1922-1923	1,00,254	3,86,922
1923-1924	33,915	1,14,915
1924-1925	2,080	12,607

RESULT OF THE ELECTION TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT: I have to announce to the House the result of the election held on Thursday last to the Central Advisory Council for Railways. The following Members have been elected:

The Honourable Sir Arthur Froom.

The Honourable Mr. V. Ramadas Pantulu.

The Honourable Mr. Phiroze C. Sethna.

The Honourable Mr. J. W. A. Bell.

The Honourable Mr. K. C. Roy.

The Honourable Rai Bahadur Lala Ram Saran Das.

The Honourable Raja Sir Rampal Singh, and

The Honourable Mr. Shah Muhammad Zubair.

ELECTION TO THE ADVISORY PUBLICITY COMMITTEE OF MESSRS. RAMADAS PANTULU AND KHAPARDE.

THE HONOURABLE MR. J. CRERAR (Home Secretary): I move:

"That this Council do proceed to elect the Honourable Messrs. Ramadas Pantulu and Khaparde to be members of the Advisory Publicity Committee in the place of Sir Maneckji Dadabhoy and Mr. G. A. Natesan, who have ceased to be Members of this Council."

The motion was adopted.

ELECTIONS TO THE PANELS OF DEPARTMENTAL STANDING COMMITTEES.

THE HONOURABLE THE PRESIDENT: Honourable Members will now proceed to elect the panels of the four departmental Standing Committees, beginning with the election for the Home Department.

(The ballots were then taken.)

GENERAL BUDGET FOR 1926-27.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary): Sir, I rise to present a statement of the estimated expenditure and revenue of the Governor General in Council for the year 1926-27 in respect of subjects other than Railways. I should perhaps first explain to the House the reason why we have reverted this year to the old procedure of introducing the Budget on the 1st March instead of, as in the last two years, on the last day of February. There has been no change of policy. It is because not only was the last day of February a Sunday, but the day before was an important Hindu holiday and we were unable to go further back and introduce the Budget on the 26th of February, because the holiday on Saturday was not one which was observed at all the customs ports. We have therefore reverted to the old procedure, I hope only temporarily: provided that is that the calendar does not play us any further tricks.

[Mr. A. C. McWatters.]

First of all I will as usual give the House some account of the final figures of the year which ended last March, the year 1924-25. The detailed accounts of that year have only just reached us—I myself got my copy last week. A year ago in our revised estimates we anticipated that there would be a surplus of approximately 4 crores in that year. The final surplus as shown by the audited accounts is 5·68 crores. This difference of one crore and 68 lakhs is fully accounted for under two heads of the Budget. In the first place there has been a saving in military expenditure of 70 lakhs which took place entirely in England and was due to reduced purchases of stores and also to certain adjustments of war expenditure with the War Office. I might mention at this point that these adjustments have nothing whatever to do with the major war claims about which this House on various occasions has heard a good deal. Negotiations have been proceeding throughout the year in connection with those claims, and I hope that before very long we shall arrive at a solution not unfavourable to this country. The other source which added to our surplus was Railways. The contribution from Railways to central revenues was larger by no less than 114 lakhs. This was due largely to the increased earnings of the Railways during the months of February and March, mainly on account of the early movement of the cotton and grain and other crops which set in in those months. This early movement incidentally largely accounts for the reduced earnings of the Railways in the following months of the summer. The working expenses of Railways were also lower, partly on account of certain economies which were introduced, and partly on account of adjustments which were necessitated in connection with the decision of the Privy Council by which the customs duty on imported stores on company lines had to be credited to railway revenues. So far as the rest of the civil Budget is concerned, the difference between the revised and actuals is 15 lakhs only, of which 11 lakhs is under Posts and Telegraphs. There were, it is true, considerable divergences in both directions under different heads, but I think on the whole we can take considerable credit for being as accurate as we were. I will return, when I come to the subject of ways and means, to this increased revenue surplus of 168 lakhs, because last summer when we took the decision to do without a cash loan there was a good deal of misunderstanding in certain quarters as to how we were able to effect this. Certain people imagined that the Finance Member had many crores of revenue surplus up his sleeve, but when we come to the ways and means portion of the Budget, I shall explain to the House exactly what our increased ways and means resources were.

I now pass to the current year. The Honourable Sir Arthur Froom speaking in this House a few days ago on the Railway Budget said that it had been a year of trade depression. The Honourable Member's views are not unnaturally coloured by the position in Bombay and by the very serious depression in the cotton mill industry. That industry has been passing through a crisis, perhaps the severest in its history, and it is not unnatural that it has cast a shadow over the year as a whole. Also it has been a year of falling prices, and falling prices are not usually coincident with expanding trade. In December 1924 the wholesale index number of prices in India was 176. It had fallen 12 months later to 163, and this fall is almost exactly parallel to the corresponding fall of sterling prices

in England. A year ago the price of raw cotton and the price of cotton piece-goods were far above the general level. In the last year the price of raw cotton has largely readjusted itself, but cotton piece-goods still maintain their unenviable position in spite of some fall in price in the last six months. There are however some brighter spots in the picture. In spite of the fall in prices which I have mentioned, the total volume of the foreign trade of India in the 10 months ending January last has reached very nearly 500 crores, which is very little less than the figure for the corresponding 10 months of the year before; and, still more important, the balance of trade in those 10 months has been in favour of India (after taking into account imports of gold and silver) to the extent of nearly 86 crores. This can be compared with 42 crores in the year before and 63 crores in the year before that. This favourable balance of trade is an important matter for a country situated as India is and it has helped us not a little to maintain a steady level of exchange during the last year. Also there is another point which I should like to emphasise and that is that Government were able to keep out of the loan market altogether during this year, and this, I think, has contributed considerably to the much greater easiness in the money market which has been characteristic of the present busy season. We have to go back many years before we can find a bank rate of 6 per cent. at this time of the year; nor has the Imperial Bank so far been compelled to take any portion of their seasonal loans from currency. All the same the feature of the situation which has been uppermost in our minds is no doubt the position of the cotton mill industry, and although it is anticipating a little what I shall have to say later, I will tell Honourable Members now that the Finance Bill, which will shortly be in their hands, contains a clause for the repeal of the cotton excise duty, I hope for ever.

The figures for our revised estimates for the current year under Customs naturally are affected by the suspension of the cotton excise duty from December. We shall lose thereby 71 lakhs. Also the depression in the piece-goods trade will mean that we shall be short by a crore and a quarter under that head. On the other hand, the imports of sugar have been exceptionally large, and as the duty is now at a specific rate instead of as previously *ad valorem*, we get the full advantage of the increased imports. We expect to get 130 lakhs more from sugar alone, which more than counterbalances the loss under piece-goods. Other heads of the tariff which have done well during the war have been the protective and export duties, and more particularly the petrol excise which in spite of the reduction by one-third in the rate will yield more money in the current year than in the year before. There have also been very good imports of motor cars, I am glad to say mostly of British makes. The net result is that under Customs we expect to have an improvement of 50 lakhs in spite of the suspension of the cotton excise duty. Under Taxes on Income, I am afraid the picture is not quite so rosy. We adopted a figure which was 87 lakhs below the Budget of the previous year. I am sorry to say that we expect to be short by no less than 110 lakhs under this head. Also under Salt, in the early months of the year there were considerable accumulations of stocks which affected issues, especially in Northern India, and although the issues in the later months have been well up to normal, we expect to be short by 55 lakhs. Under Opium we had to ask for a supplementary grant of 51 lakhs in the autumn, but we shall only use 35 lakhs of that, and on the other hand the stocks of opium which were taken

[Mr. A. C. McWatters.]

over and paid for by Provincial Governments on the 31st March have proved to be higher by 24 lakhs than we had calculated, and also the receipts from our sales have been somewhat higher; so that under the Opium head as a whole we shall have an improvement of 48 lakhs, and the net revenue from Opium will be slightly over 2 crores. Under Railways, as the House knows, we shall get a small increase of 8 lakhs in the contribution. The only other items I need mention on the revenue side are a considerable improvement in the interest on our cash balances in England and on the interest on the securities in the Paper Currency Reserve. This also is the first year in which we obtain an instalment of the reparation receipts from Germany under the Dawes scheme—a small item of about £60,000.

Turning to the expenditure side, exchange has been slightly higher than the figure which we took, *viz.*, 1*s.* 6*d.*, and we expect to gain 10 lakhs from this source, besides small amounts under Railways and under capital heads. In respect of military expenditure we took a figure of 56¼ crores, and this figure will be almost exactly worked to. The figure which we are adopting in the revised estimate is 56 crores 28 lakhs. In fixing the figure of 56¼ crores for the Budget we made an overhead cut of 20 lakhs in military expenditure, and it will be seen that this cut has been practically given effect to. The same is true of the civil expenditure. We made an overhead cut of 15 lakhs under 12 different heads, and this will be given effect to in all cases except two—the Survey of India and the Indian Stores Department, for both of which we have had to ask for supplementary grants. But on the civil side there are four big items of a book-keeping character which have the effect of adding to our surplus. The first of these is connected with the new procedure relating to capital stores for the Telegraph Department. The House may remember that in the current year we are taking these stores direct to the capital head instead of, as under the old procedure, taking them first to a suspense head. The result of this is that in the current year we obtain a non-recurring credit of the value of the stores in suspense on the 31st March last. This was expected to be 129 lakhs. The value of these stores on the 31st March is now however found to be 181 lakhs; so we obtain 52 lakhs non-recurring credit under this head. Secondly, there is the item to which I have already referred, the increased value of the stocks of opium in our treasuries which were taken over and paid for by Provincial Governments amounting to 24 lakhs; and thirdly, there is an item of 30 lakhs which results from the Government of Bombay paying interest on some of their loans from the Provincial Loans Fund for 15 months instead of 12, their object being to bring their interest payments down to 31st March, which is a more convenient date for them; and finally, there is an item of 17 lakhs which is due to the cost of certain buildings for the Security Printing Press at Nasik being transferred from revenue to capital at the wish of the Assembly. These four items taken together amount to 123 lakhs, and if it had not been for these items, our revised estimates would have been almost the same as the Budget. As it is, taking account of the 24 lakhs surplus for which we budgetted, our expected surplus in the current year will be 130 lakhs.

This 130 lakhs would in the ordinary course go automatically to debt redemption, but the Government of India have a proposal of a somewhat novel kind to put before the Legislature, to apply 50 lakhs of this surplus

to form the nucleus of an Archæological Trust Fund for the prosecution of archæological research and excavation. All of us must, I think, have been impressed by the interest and importance of the recent discoveries of ancient civilizations in the Indus Valley which take us back long before the Christian era and link up India with the ancient civilizations of the valleys of the Tigris and Euphrates, and perhaps take us still further back to the very dawn of history. To prosecute these researches is a national privilege and a national duty. They have a value which is incalculable not merely in illuminating the origins of Indian civilisation, but in throwing light on the origins of the civilisation of the world. There are obvious advantages in making this endowment a permanent one and not depending upon the supply of funds year by year. First of all, it ensures continuity—continuity in working out a definite programme over a period of years, and continuity in training the necessary expert staff with certainty of permanent employment; and secondly, we hope that the initiation of this Fund will strike the imagination of individuals and of bodies outside Government. We hope to enlist their interest and their co-operation and to obtain from them perhaps also financial support. Who knows, we may even find our Rockefeller. The details of this proposal will be explained to the House on a later occasion. At the present moment I am principally concerned with emphasising the financial effect of it. So far as the current year is concerned, it simply means that 50 lakhs of the surplus which would otherwise go to debt redemption is used to capitalize an annual charge of about 2½ lakhs. So far as future Budgets are concerned, it means that the Budgets will be relieved of this charge of 2½ lakhs, but as we must assume that our borrowings will ultimately be increased to the extent of 50 lakhs on which we shall have to pay interest, the financial effect, so far as future Budget is concerned, is *nil*.

Before I turn to the Budget for next year, I should like to mention some changes which have been made in the form of the documents which will shortly be presented to the House. The first and most obvious change which will strike the eye is that a number of the documents have been printed this year in octavo form. By so doing, we save a considerable amount of expenditure in printing because much of this information has in any case to be printed in octavo form for presentation to Parliament. Also we hope that the octavo form will be found more convenient to handle; and remembering a complaint which I heard the other day from an Honourable gentleman opposite I hope that the printing will not be found so small as to try the eyes of elder statesmen. The most important change which we have made is in the Demands for Grants. During the course of the year the Auditor-General has been conducting an inquiry into our Appropriation Reports with the object of improving their form and adopting, so far as possible, the form which is in force in England. His inquiry was undertaken at the request of the Public Accounts Committee and his recommendations have been approved by them. It is as a corollary of these that we are making changes in the form of the Demands for Grants, the most important of which is that the details will be shown in all cases under the sub-heads of account by which the expenditure will be finally accounted for, so that the Public Accounts Committee can follow the actual expenditure under each sub-head more easily and can watch the reappropriation from one head to another. I may add that the Demands for Grants contain the usual information by circles of account and all the detailed information in the same fulness as before.

[Mr. A. C. McWatters.]

I now turn to the Budget. As usual we have to fix a rate of exchange, but this year I think we had no option but to accept the rate of exchange which has practically been prevalent for the last 18 months. We have adopted, as in the current year, 1*s.* 6*d.* As regards military expenditure we have taken a figure of 54·88 crores, which is 137 lakhs below the Budget for last year. This year the military Budget is disturbed by fewer non-recurring items, but it still includes a sum of ·66 lakhs for gratuities to demobilised officers and 23 lakhs for buildings in Waziristan and for the Royal Air Force, and it also contains a non-recurring credit of 25 lakhs from surplus war stores. The House will see that we have now long passed the first stage of the Inchcape Committee's recommendations, namely, 57 crores, and have proceeded some way towards their second goal. It may be said that the military Budget has been helped a good deal by exchange standing at 1*s.* 6*d.* instead of 1*s.* 4*d.* which was the rate taken by the Inchcape Committee. That is true, but on the other hand the Army has now to bear a large number of charges which were not contemplated by the Inchcape Committee. For instance, they now bear the customs duty on imported stores and also the charges for stationery and printing and a large number of similar items. I shall not trouble the House with further details about the Military Budget, because I think Honourable Members will wish to go into it fully for themselves. But I may say that in the military estimates this year are given explanations in much greater fulness than has ever been attempted before.

So far as civil expenditure goes, there is an apparent increase of 30 lakhs over the revised estimate for this year. But this increase really disguises a very large decrease because in the current year, the House will remember, we have a large non-recurring credit of 181 lakhs from telegraph capital stores. In the budget year, on the other hand, we are able to point to a definite saving of more than 1 crore in interest charges. This of course is due to our having been able to meet our capital expenditure including that for the Railways and Provincial Governments without fresh borrowing. The actual reduction in the interest on our market debt is 179 lakhs. We have to set off against this, however, an increase of 75 lakhs in the interest on our unfunded debt which includes provident funds, post office cash certificates and savings banks and so on. The other item of civil expenditure to which I should like to draw attention is Opium. The expenditure under Opium has been reduced very drastically in the coming Budget, both because we have restricted the area of cultivation and also because we are reducing the prices paid to cultivators. On the other hand, we do not next year obtain a non-recurring credit from stocks of opium in treasuries and the net result is that our income from opium next year will be practically the same as in the current year, slightly over 2 crores.

Last year I was able to tell the House that we had made a beginning in extending our expenditure for items of a specially beneficial character. This year I am glad to be able to tell the House that we have found it possible to go a good deal further. I will give the House a few instances of such items. First of all we have raised the grant to the Indian Medical Research Fund to 6¾ lakhs; secondly, we have given a recurring increase of one lakh for education in the North West Frontier Province and also a non-recurring grant of 1¼ lakhs to the Government High School at Peshawar; we have provided Rs. 50,000 for the Victoria Hospital at Ajmer and a

similar sum for Dr. Shroff's new Eye Hospital at Delhi. We have increased the recurring grants to the Aligarh and Benares Universities by Rs. 25,000 each and that to the Delhi University by Rs. 10,000 and to the two first named Universities we have given non-recurring grants of 2 lakhs each as the first instalment of non-recurring grants. We have also allotted a considerable sum towards the completion of the Forest Research Institute at Dehra Dun and have added to our grants to the Research Institutes at Coimbatore, Pusa, Muktesar and elsewhere. I think the House will realise that now that we are able to do something for the provinces by enabling them to extend their expenditure on beneficial services, we are not unmindful of our own obligations of a similar character.

So far as the revenue side of the Budget is concerned, I need only mention that under Customs we cannot expect to get the same return from sugar, but we do expect a better return under piece-goods. We expect trade to be slightly better on the whole and have adopted a figure which is 130 lakhs better than the revised estimate for this year, but for the moment this figure includes $1\frac{3}{4}$ crores for the cotton excise duty. Excluding this our figure would be 45 lakhs below the revised estimate of this year. Under Taxes on Income we have had to take into account the serious depression in the Bombay mill industry and we have adopted a figure which is 10 lakhs below the revised estimate for the current year, that is no less than 120 lakhs below the Budget for last year. Under Salt we have budgetted for a normal year. From Railways we get a contribution of 601 lakhs, because the basic year happens to be a favourable one. I will deal slightly more fully with Posts and Telegraphs. In the current year the net result of the profit and loss account of that Department—which I may remind the House is not by any means yet a final account, some figures, such as those for interest, being still doubtful quantities—is neither a profit nor a loss. In the coming year we expect the working expenses of the department to be higher by 61 lakhs, which includes a substantial amount improving the conditions of service of the subordinate staff. On the other hand we do not expect the gross revenue to be more than 41 lakhs better than in the current year. The final result according to the profit and loss account is that the Department will be working at a loss next year of 10 lakhs. The Postal Department will show a profit of 20 lakhs, the Telegraph Department a loss of 20 lakhs and the Telephone Department a loss of 10 lakhs. I do not wish to draw any inferences from this, though I think Honourable Members will find that the Honourable the Finance Member in another place is drawing such inferences. I will merely say that the Department seems to be in a state of unstable equilibrium. The only other head of the Budget to which I wish to refer is that we are still taking to revenue the interest on the Paper Currency Reserve and the excess of the Gold Standard Reserve over 40 millions. There is no doubt that the Royal Commission on Currency when they report may make recommendations regarding these reserves of an important character, but we are entitled to assume that whatever their recommendations may be the net profit which Government obtain from these sources should be the same as before. We are now able to strike a balance and remembering that in the revenue side I have included $1\frac{3}{4}$ crores for the cotton excise duty, the surplus for the budget year works out at 305 lakhs.

Before discussing what is to be done with this surplus I will turn to ways and means. The ways and means portion of our Budget is certainly

[Mr. A. C. McWatters.]

not the least important and I think that this year it presents several striking features. I will take the House back to the extra revenue surplus of 168 lakhs which we had in the year 1924-25. When we came to our decision in the summer to do without a cash loan we found that our resources were larger by very much more than that amount. That 168 lakhs includes 114 lakhs extra contribution from Railways, but that is by no means the whole of the extra amount which the Railways contributed to our balance because we have to take into account their capital expenditure and also the amount which they set aside to reserve. The actual amount by which our balances were increased on the 31st March by the Railways was 346 lakhs. The second source from which our balances were increased was the Provincial Governments. The Provincial Governments, one and all, prepared their revised estimates with an embarrassing conservatism and the increase to our resources from the Provincial Governments was no less than 630 lakhs. I am not making any complaint but I think it is clear that the preparation of the ways and means Budget of the Central Government is in these circumstances rendered extraordinarily difficult. We had from these two sources alone 9¾ crores addition to our balances and the decision which we took to do without a cash loan, as the House will realise, has been abundantly justified. In spite of the very large amounts which we have been remitting to England throughout the year in excess of the Secretary of State's requirements, we have been able to avoid entering the market for a loan and we have not borrowed either by means of Treasury Bills or by means of ways and means advances from the bank, and the result I think has been that our operations have contributed to the much greater ease which has been noticeable in the money market during the current year. I turn now to the conversion loan itself. That loan was issued at 5 per cent. income-tax free, which is roughly equivalent to 5½ per cent. subject to tax. The result of the loan was that besides redeeming a certain portion of the 1925 bonds last year, we have converted 29 crores of debt which will mature in the next three years, and most important of all we have converted 18 crores of the bonds which would have matured in 1926. We have reduced our liabilities for 1926 bonds from 38 crores to 20 crores, which is a much more manageable proposition. The effect of the conversion loan on our interest charges will be apparent when I say that we had to make cash payments of 64 lakhs but the recurrent saving by the conversion of the debt is 18¾ lakhs a year, and in addition to that 4¾ crores of our debt has been transferred from debt which was free of income-tax to debt which is subject to income-tax.

I turn now to the next year. We have as usual a very considerable programme before us. In the first place we have to meet 24 crores of maturing debt, including the 20 crores of 1926 bonds and certain railway debentures in England. We have also a new capital programme of 28½ crores, which includes 26 crores for the Railways, and a further 7 crores for Provincial Governments. The total of these items is approximately 59 crores. We expect to meet these liabilities first of all by reducing our balances by 15 crores; secondly, from miscellaneous sources, such as unfunded debt, post office cash certificates, savings banks and so on, we expect 11½ crores. Thirdly, the provision for reduction of debt which is included in the Budget gives us 5 crores, and finally, from the railway reserves and the railway and other depreciation funds we shall get 5½ crores. The net result is that we shall have to find by borrowing a sum

not greater than 22 crores, which I would point out to the House is scarcely larger than the amount of the Bonds which are actually maturing in India this year. I think the position is one which we can regard with considerable satisfaction and I hope that it will be reflected in our borrowing rates. At this point I should like to refer to post office cash certificates. In view of the reduction in our borrowing rates and the further reduction which we expect in the future, we consider that the rates which we are now offering are too high, and an announcement will shortly be made reducing those rates. But at the same time we are adding some new features which we hope will preserve and add to the popularity of these certificates.

I now come back to the surplus of 305 lakhs. The problem that always confronts us with regard to a surplus, when we have a surplus, is whether it is a real surplus and what we are to do with it? Now in considering whether this surplus is a real surplus we have to remember first of all that we have taken in the Budget a rate of exchange of 1*s.* 6*d.* and that we shall have in our hands very soon the Report of the Royal Commission on currency, and what that report may be is on the knees of the gods. In the second place, we have to consider the question of the contribution from Railways. It was stated in the House the other day that the contribution from Railways is a constantly increasing figure. Now it is perfectly true that the one per cent. on the capital at charge of the commercial lines is an increasing figure, but that does not necessarily mean that the contribution from Railways will increase from year to year because the total amount of the contribution also depends upon the earnings of the Railways in the penultimate year. Now our budget figures are based upon a very favourable year for Railways, and the actual fact is that the railway contribution in the year 1927-28 is expected to be less than in the budget year by about 79 lakhs. Thirdly, we have to consider our opium revenue. The House is aware that I have given notice of a Resolution with regard to opium policy which contemplates the progressive reduction and eventual extinction of our exports of opium. I shall not say anything more about that policy at the moment, but if it is given effect to we have to regard our 2 crores or so of opium revenue as a disappearing figure. The Government of India have considered all these points very carefully. They do not think that it would be proper to set aside any of our surplus as an insurance against what the Royal Commission on Currency may or may not recommend. With regard to the loss of revenue from opium, this cannot take effect in one year or two, and we should be able before that revenue is entirely extinguished to make it up from other sources of revenue or by reductions of expenditure. I have in mind particularly the income-tax. We have spent large sums on improving our income-tax staff and arrangements but we have never yet tested them in a year of good trade, and secondly, I have in mind military expenditure. The Military Budget, as I have explained to the House, still contains some items of a non-recurring character, and also there are other items, such as the reduction of pay of the British soldier, which took effect this last year but will not show its full effect for several years to come. Considering all these factors the Government of India have decided not to hold up as an insurance any appreciable part of this surplus but to make available 3 crores of it for distribution. 175 lakhs of the surplus will, as I have already told the House, be devoted to the abolition of the cotton excise duty, and 125 lakhs will be devoted to the

[Mr. A. C. McWatters.]

reduction of provincial contributions in accordance with the Devolution Rules. This means that Madras will get 57 lakhs, the United Provinces 33 lakhs, the Punjab 28 lakhs and Burma 7 lakhs.

As regards the Finance Bill, apart from the clause repealing the cotton excise duty, it contains no proposals for alteration in taxation. It does however contain one clause of a novel character which contemplates the allocation to redemption of debt of the reparation receipts from Germany after deducting such compensation claims as have to be paid to private individuals or public bodies who have suffered from enemy action. I will not trouble the House with a long explanation of that at the present time, but will explain it fully when the Bill comes before the House. I will merely mention that as a set off to that proposal we are discontinuing in the next year the allocation to debt redemption of an amount equivalent to the customs duty on imported capital stores. These two items practically balance each other; in fact the second item is slightly larger, so that the net amount which goes to debt redemption is slightly smaller than it would otherwise be.

I think the House will agree that in the course of these last three Budgets we have effected something substantial. We shall have got rid of 4⅓ crores of provincial contributions, including the 63 lakhs to Bengal. This it is true is not quite half of the total contributions, but it is a sufficiently substantial achievement to lead us to hope that within a measureable period we shall be able to get rid of the remainder; secondly, we shall have got rid of the cotton excise duty; and, thirdly, we shall have made a beginning in the reduction of fares and freights on Railways. And in the meantime the Railways, as the House has heard, have built up a very strong position and have accumulated considerable reserves; while the credit of the Government of India if it is measured by their borrowing rates and by the price at which our securities now stand has certainly improved materially in the course of these three years. There is one problem however which we have not touched, I mean the relation of central and provincial finance. Only the other day Honourable Members received copies of the Taxation Inquiry Committee's Report. It is a report in which this House ought to take a special interest as we number among us not merely the distinguished Chairman, the Honourable Sir Charles Todhunter, but another eminent member of the Committee the Honourable Maharajadhiraja Bahadur of Burdwan, and until a few days ago we had a third representative in the Honourable Sardar Jogendra Singh who has now been translated to other important activities elsewhere. The House has probably not had time to study that Report fully, but I think even after a cursory glance they will agree that the Chairman and members of that Committee are to be most heartily congratulated on the speed and the thoroughness with which they have covered such a vast field of inquiry. The Report is full of information of the most valuable kind, and I specially mentioned it in connection with this problem of central and provincial finance because I believe that the Report will enable us to look at that problem from a wider outlook than has been possible hitherto. It is a problem which I am convinced is not insoluble, but it certainly does demand a great deal of sympathetic consideration by all parties concerned of the special difficulties of the others. After all, our interests are in the long run the same and I think our motto should be that of Dumas's heroes, "One for all and all for one". I should like to emphasise also that the

most necessary and essential preliminary for the improvement of relations between the Central and Provincial Governments in matters of finance is the continued strengthening of the finances of the Central Government itself.

That is all, Sir, that I have to say this morning. This is the third Budget which I have had the honour of presenting to this House, and I regret to say that it will also be the last. I beg to thank the House very cordially for the attention with which they have listened to what I have had to say. (Applause.)

The Council then adjourned till Eleven of the Clock on Tuesday, the 2nd March, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

TUESDAY, 2nd MARCH, 1926

Vol. **VII**—No. **12**

OFFICIAL REPORT

CONTENTS

Result of the Elections for the Panels of the Standing Departmental Committees.

Contempt of Courts Bill—Passed.

Indian Medical Education Bill—Motion to circulate—Adopted.

Photographic group of the Members of the Council of State.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Tuesday, 2nd March 1926.

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

RESULT OF THE ELECTIONS FOR THE PANELS OF THE STANDING DEPARTMENTAL COMMITTEES.

THE HONOURABLE THE PRESIDENT: I have to announce to the House the result of the elections held yesterday for the panels of the Standing Departmental Committees. The following Honourable Members have been duly elected:

For the Home Department.

The Honourable Colonel Nawab Sir Umar Hayat Khan.
The Honourable Sir C. Sankaran Nair.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Mr. G. S. Khaparde.
The Honourable Mr. V. Ramadas Pantulu.
The Honourable Mr. Shah Muhammad Zubair.

For the Department of Commerce.

The Honourable Mr. J. W. A. Bell.
The Honourable Sir Arthur Froom.
The Honourable Mr. Phiroze C. Sethna.
The Honourable Rai Bahadur Lala Ram Saran Das.
The Honourable Mr. P. C. Desika Chari.
The Honourable Srijut Lokenath Mukherjee.

For the Department of Education, Health and Lands.

The Honourable Saiyid Raza Ali.
The Honourable Raja Sir Rampal Singh.
The Honourable Mr. R. D. Morarji.
The Honourable Mr. P. C. Desika Chari.
The Honourable Dr. U. Rama Rao.
The Honourable Colonel Nawab Sir Umar Hayat Khan.

For the Department of Industries and Labour.

The Honourable Mr. Phiroze C. Sethna.
The Honourable Saiyid Raza Ali.
The Honourable Sir Arthur Froom.
The Honourable Mr. J. W. A. Bell.
The Honourable Mr. K. C. Roy.
The Honourable Mr. Mahendra Prasad.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move that the Bill to define and limit the powers of certain courts in punishing contempts of courts, as passed by the Legislative Assembly, be taken into consideration.

Brief though the Bill is which I have the honour to present to the House, it nevertheless represents the result of long years of labour and deliberation. Though the matter is a very important one, the issue actually involved is in its essence simple and is capable of being very concisely stated. The details, the technicalities and the involutions of the law of contempt are very well known to the Honourable Members of this House who are lawyers. To those of them who are laymen, they are probably not of very much interest, and I think I shall earn some title to the gratitude both of the lawyers and of the laymen if I avoid unnecessary details and technicalities and state the case as simply and precisely as possible. We have to consider in the first instance what exactly is meant by contempt of court. Broadly speaking, it consists in disobedience to or disregard of the rules, orders, processes or dignity of a court. Contempts may be direct, that is to say, they may consist in insulting or resisting the powers of the court or the powers of the presiding judges. They may be consequential. Without definitely resisting or disobeying a specific order of a specific authority of the court, they may nevertheless plainly tend to create a universal disregard of the authority of a particular court or of courts of justice in general. Another distinction is to be made between contempts of courts in so far as they are committed either in or before the court itself, in the legal phrase *in facie curiae*, or outside the court. The first class of contempts comprises generally disrespectful or obstructive conduct in the court itself. The other is almost equally important, in some respects even more important. It covers all cases of intimidating or corrupting parties, witnesses, persons or officers of the court. It includes cases of speaking or writing disrespectfully of the authorities of the court. It includes prejudicial comment on proceedings before the court—such comment as might result in the deflection or perversion of the course of justice, and it further includes what is commonly known as the scandalisation of courts. That indicates in a broad and summary way the general character of contempts of courts. In England the law is to a very large extent contained in the common law. Courts of record have power in England to punish contempts. Inferior courts of record like certain courts in this country in the present state of our law have power only to punish contempts which are committed *in facie curiae*, that is to say, in the presence of the court itself. The superior courts of record which include, *e.g.*, the High Court of Judicature, the Judicial Committee of the Privy Council and even the High Court of Parliament itself have powers to deal summarily with contempts of court whether committed in or before or against themselves or in, before or against courts subordinate to them.

I will not go at any length into the question of the jurisdiction and procedure in cases of contempt in England. Now in India, so far as the main principles are concerned, as frequently happens in regard particularly perhaps to criminal law in this country, the principles are precisely the same, but there are nevertheless some marked distinctions both in the matter of jurisdiction and in the matter of procedure. A considerable body of the existing law relating to contempt of court in India is in statutory form. For

example, Chapter X of the Indian Penal Code deals generally with contempts of the lawful authority of public servants and a considerable number of the offences set up by Chapter X of the Indian Penal Code would be contempts of court. In addition in the Indian Penal Code we find in section 228 a provision that intentional insult or interruption to a public servant sitting in a judicial proceeding is an offence for which punishment of imprisonment for a term of six months or fine extending to one thousand rupees can be given. Now the important point to note in regard to these offences is that they are statutory offences, many of which may be committed either in or out of court, but before the punishment incidental to such offences can be inflicted, the accused person must be brought before a court on a complaint, a charge must be framed against him, evidence for the prosecution and, if necessary, for the defence must be taken and then in the ordinary course the magistrate or other presiding officer of the court proceeds to pass judgment and sentence. We have one other provision of a statutory character relating to contempts which is contained in section 480 of the Criminal Procedure Code. Section 480 prescribes that where certain offences which are of the nature of contempts of court, drawn from the prescriptions of the Indian Penal Code to which I have just adverted, are committed in the view or presence of any civil, criminal or revenue court, the court may deal summarily with the offender. The main distinction then is that in the case of offences specifically contained in the provisions of the Indian Penal Code the procedure contemplated is that the accused person will after due trial if found guilty be sentenced. Section 480 permits in certain circumstances, where the contempt is offered in the presence and before a court, that the summary procedure may be adopted.

These provisions are applicable to all courts. There are however certain other provisions of law relating to the superior courts of record in India, that is to say to what are commonly known as High Courts, as distinguished from the Chief Courts and Courts of Judicial Commissioners. These courts inherit and exercise the powers at common law of the superior courts of record in England and the procedure before those courts may be summary. Those courts may take notice of contempts committed in their own presence or of contempts committed outside the court or of contempts committed in or in respect of courts subordinate to their authority. I have stated that conclusion somewhat summarily because I do not wish to enter too largely into technicalities. But as a matter of fact one of the reasons for bringing forward this measure is to make clear that that is the law, as certain doubts have been raised in the matter. Well, in their exercise of this jurisdiction at common law superior courts of record in India may take notice of contempts summarily, and they have at common law—or at any rate this is a view which is held on high authority, though it has not been entirely unquestioned—they have that jurisdiction at common law and their powers of punishment in respect of imprisonment or of fine are unlimited. I mentioned just now that the proposition which I stated somewhat concisely with regard to the jurisdiction and powers of superior courts in India is not entirely uncontested. As a matter of fact there is a very serious conflict of decisions in the matter. The High Courts of Madras and Bombay have held that they exercise intact the jurisdiction at common law which is vested in superior courts of record in England. The High Court of Bengal has expressed very grave doubts as to whether they do exercise jurisdiction and powers to that extent. Therefore one of the main objects of this Bill is, firstly,

[Mr. J. Crerar.]

the resolution of doubts. It is exceedingly undesirable that in so important a matter as the law relating to contempt of court there should be any doubt whatsoever. The second effect which will be produced if this Bill is passed is that the unlimited powers of the High Courts in respect of the penalties they are now empowered to impose, or conceive themselves to be empowered to impose, will be limited. They will be limited to simple imprisonment amounting to 6 months and to a fine of Rs. 2,000. I should also point out that by clause 2, sub-clause (*3*), of the Bill no High Court shall take cognizance of contempt alleged to have been committed in respect of a court subordinate to it where such contempt is punishable under the Indian Penal Code: that is to say, in respect of the offences to which I have already referred which are set up by specific provisions of the Indian Penal Code, the ordinary procedure of law under the Criminal Procedure Code will apply. Thirdly, the powers which are now vested in superior courts in India will be extended to Chief Courts in respect of contempts committed against themselves but not against courts subordinate to them.

That, Sir, is the purport and the effect of the Bill. I have endeavoured to divest it of all irrelevant technicalities and of anything which is not strictly necessary for the consideration of the matter before the House. I should only like in concluding to impress upon the House what an extremely important matter this question of contempt of court is. It is not merely a question of affronts offered personally to individual magistrates or judges. That in itself is a serious enough matter. The serious character and the consequences of contempts of court go very much further than that. Unless they are strictly abridged and penalised the consequence would undoubtedly be the arrest, perversion and deflection of the course of justice. There would be great danger that the majesty of the law would be brought into weakness and disrepute, to the great disadvantage and injury to the interests and liberty of the subject. It is therefore of the utmost importance that we should have a precise and unquestionable law on the subject. This measure may not perhaps go so far as some Honourable Members might prefer to see it go. Nevertheless, it is a useful and important piece of legislation and I have every confidence in commending it to the best consideration of the House.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-Official): Sir, I have heard with very great interest the legal exposition of the Honourable Mr. Crerar and I felt that I could sit and give a silent vote, but that would be unfair to my own profession and unfair to the Members of this House. Mr. Crerar said that he felt that there are Members in this House who might have wished the Bill to go further, but I am one of those who think that the Bill has already gone too far. At the outset, Sir, I should like to ask Mr. Crerar two very important questions. This is a very important piece of legislation and the other House was given almost a year over it. I should like to know why this Bill was not referred to a Joint Committee of the two Houses. It was a Bill not only very important and very interesting to our judicial system of administration, but also to the profession of journalism to which I have the honour to belong. In the second place, I should like to say that the Bill has been considerably changed by the Select Committee, and, in fairness to the Provincial Governments as well as to the High Courts, I think that the Bill ought to have been republished and recirculated, and that fresh opinions should have been

elicited before it was put to the final vote of the Assembly and to the final vote of this House.

Sir, with these preliminary remarks I come to the detailed consideration of the Bill. Sir, as a member of my profession I had an opportunity as one of the office-bearers of the Upper India Journalists' Association as well as of the All-India Journalists' Association in Bombay to give our views. When the Bill was originally introduced, it was a very drastic measure and we felt that it was our duty to oppose the Bill lock, stock and barrel, and we advised the non-official Members of the other House to turn the Bill down. But, Sir, speaking from my place as a Member of this House, I can no longer visualize the Bill is a member of the journalist fraternity; I have to visualize it as a Member of this House, I have to visualize it also from the point of view of the good administration of law in this country; and I think, Sir, it is our duty to uphold the dignity of our law courts, so that no press criticism, however just it is considered in the light of newspaper interests, should in any way hamper that administration of justice. Sir, the Bill as it was originally introduced contained drastic changes. There was a spirit of compromise in the Select Committee for which we are grateful to the Home Member. The Bill to-day is a great improvement upon the present position, and therefore I am in a position to vote for Mr. Crerar's motion. I may in the first place state that no attempt has been made to define the word " contempt ". I find from the proceedings of the Select Committee that my Honourable friend, Sir Hari Singh Gour, was very keen about it. I made a little research into the question of " contempt ", and I find that the only country which has a definition of the word "contempt" is China; (Laughter), and I am very glad, Sir, that our law-givers in India have decided not to follow that celestial Empire. The next point, Sir, which has really improved the Bill is the decision that the imprisonment should only be simple. Sir, I belong to a profession which is mainly manned by the intelligentsia, and rigorous imprisonment would not really be a just and fair punishment to mete out to members of my profession. Even when they commit a contempt, they feel that they are doing it in the discharge of their legitimate duties. There may be errors of judgment, but there is no mistaking the motive; we are all for upholding the tradition of the administration of justice in this country. The third point on which I am greatly indebted to the Honourable the Home Member is that the amount of the fine has been restricted to Rs. 2,000. The Press in India, Sir, is a poor man's profession, it is indeed a poor man's profession and a fine of Rs. 2,000, I consider, is very excessive. The economic life of an Indian newspaper man is far from satisfactory. He does not earn enough, he is often exposed to temptations and other vicissitudes of life in respect of which perhaps a man who is serving in other capacities, such as the lawyer or the Government servant, is immune; and, Sir, although I quite frankly admit that the Bill has been improved, it has not been improved to the extent we should have liked it to go. Sir, in this connection I will quote the opinion of an eminent Judge in the United Provinces, Mr. Justice Lal Gopal Mookherji, who says:

" I approve of the Bill except as to the nature and amount of punishment. A ' contempt of court ' committed out of court (and not in the presence of it) is much milder in form and substance than a ' contempt ' committed in court itself, yet the maximum sentence provided by section 228 I. P. C. is 6 months' imprisonment and a

[Mr. K. C. Roy.]

fine of Rs. 1,000.' * * * 'A heavier sentence may result in gagging the public opinion * * * I would fix the maximum sentence at one month's simple imprisonment with a fine not exceeding Rs. 500."

Sir, this is what we as press men would have liked to see enacted.

I have now, Sir, only one objection to the Bill, and that is with regard to the extension of these powers to the Chief Court. Sir, I have nothing to say against the Chief Court. I believe it is an anachronism in our judicial system. Sir, there is only one Chief Court now which we have got at Lucknow. Its establishment was sanctioned by the United Provinces Government with the full consent of the local Legislature. So, Sir, if anybody is to be blamed for the existence of the Chief Court, it is the provincial Legislature. But what I feel on this question is that the Chief Court should not have been given those powers, because, Sir, you are only widening the scope of our courts competent to punish contempts. I should have liked to see it restricted only to the High Courts. The way in which the Bill has been dealt with has convinced me that it has received the utmost consideration in all stages, and I have no desire to oppose this motion. All we feel, Sir, is that no amount of deterrent punishment will give you the result which the Government aim at; it can only be secured by the growth of goodwill and public opinion in this country, and I depend more upon the latter than upon Mr. Crerar's remedies to prevent contempts of court happening oftener than now. Sir, with these words I support the motion.

THE HONOURABLE MR. J. CRERAR: Sir, I am extremely glad to note that though the Honourable Mr. Roy labours, or laboured, under certain apprehensions with regard to this Bill, he nevertheless considers that on the whole this Bill merits his own support and the support of the House. I understood him to make two complaints; firstly, that the Bill was not submitted to a Joint Committee of both Houses. Well, I think the reason why that particular procedure was not adopted was that though the measure itself is an important one, and though it represents, as I have already said in making my original motion, the result of many years of labour and deliberation, it is nevertheless a measure perfectly simple in itself, a short measure, a concise measure, and one which could with every justice to the issues and the principles involved be debated on the floor of both Chambers of the Legislature. He also suggested some dissatisfaction that the Bill was not circulated for eliciting opinions. I would however remind him that the original Bill as introduced in another place was so circulated, and as all substantial issues were at that time before the various authorities concerned, it was really unnecessary to circulate it a second time for the same purpose. We were indeed substantially in possession of all the opinions that were likely to assist either the Government or the Legislature in proceeding with the measure, and this course would only have added to the delay, the exceedingly unfortunate and prolonged delay, which has already taken place in the progress of this measure towards enactment. With regard to what the Honourable Member said as to the attitude of himself and the illustrious profession to which he belongs, I have nothing to say except words of gratitude and acknowledgment. I think his apprehensions as to how far this measure might bear hardly upon that profession are entirely unnecessary. I can hardly imagine, it is beyond my wildest dreams of conception, that any question could possibly arise as to whether

the Honourable Mr. Roy should be awarded simple or rigorous imprisonment; and as I feel completely relieved from any such unpleasant hypothesis, so I feel sure that the Honourable Mr. Roy and his colleagues may equally feel relieved from any such apprehension. I welcome nevertheless all the more his statement that the deliberate and united opinion of all responsible persons in his profession is that the authority and the dignity of the courts ought to be supported in this matter. The Honourable Member went on to make some observations on the point that the Bill contains no provision for the definition of contempt. I was not quite clear whether he considered that a defect or an advantage.

THE HONOURABLE MR. K. C. ROY: An advantage.

THE HONOURABLE MR. J. CRERAR: I understand that he considers it an advantage. If, however, there is any misgiving in the mind of any other Honourable Member of this House on that point, I should like to explain that an attempt was made to define the offence "contempt" and the attempt, I am bound to admit, was not very satisfactory. Indeed it was rather opposed to the tradition and practice in such matters as these of the common law; and here, I must remind Honourable Members, we were endeavouring to place in the form of a Statute a point of law which hitherto has been almost entirely regulated by the traditions and principles of the common law. The word "contempt" is, as the lawyers say, a term of art, that is to say, it is a term perfectly well understood by lawyers, perfectly well understood by the courts, and it is not left entirely to the imagination either of lawyers or courts to say what "contempt" is. What it means is settled by a long series of judicial decisions, and I think it is really much better to leave to the discretion of the high and responsible courts in whom it is proposed to invest these powers to apply to the cases before them the great traditions which it is their duty to enforce, to keep alive and to interpret. I am gratified that this Bill has received the measure, the handsome measure, of support it has received from the Honourable Mr. K. C. Roy, and if I may infer so much from the silence of other Honourable Members, the approval or acquiescence of the House as a whole.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to define and limit the powers of certain Courts in punishing contempts of courts, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, we now find that the Bill embodies three principles; the first is to resolve certain doubts as to the powers of High Courts to

[Mr. V. Ramadas Pantulu.]

punish contempts committed in respect of courts subordinate thereto; the second principle is the extension of the powers to punish contempt to courts which did not hitherto enjoy such powers; the third is the limitation upon the powers of the High Courts with regard to punishment. Sir, my Party had no objection to the first and third principles, the resolving of doubts and the limitation to powers regarding punishment. So, Sir, when the Bill was introduced in another place, the Swaraj Party did not oppose the consideration of the Bill, nor did it object to its being referred to a Select Committee. But with regard to the second principle, the extension of the powers of punishing for contempt to courts which did not enjoy such powers, it was very objectionable in our view. We wanted to get rid of this objectionable feature in the Select Committee stage and we tried our best. Not having succeeded in that attempt and the objectionable provision having ultimately found a place in the Bill as presented to the Assembly, after it emerged from the Select Committee, we had no alternative but to oppose it and I will take the same course here. As we were in agreement with the first and third principles I did not oppose the Bill at the consideration stage, but as a very vital principle is involved in this Bill, namely, the second to which I take exception, I cannot but vote against the motion that the Bill be passed. I shall briefly state, Sir, my reasons for voting against this motion. So far as the first principle is concerned, resolving doubts, as pointed out by the Honourable the Home Secretary, the Madras and Bombay High Courts held that Chartered High Courts had power to punish contempts not only in respect of themselves but also in respect of courts subordinate thereto, but the Calcutta High Court took a different view. We feel that in the administration of law and justice there ought to be some uniformity and when there is a difference of opinion in the Highest Courts it is desirable for the Legislature to intervene and settle the conflict. So we agreed to that; and with regard to the limitation of punishment also the principle is sound, though I agree with my Honourable friend Mr. K. C. Roy that, even as it is, the punishment provided for in the Bill is far in excess of the requirements of the situation. But with regard to the second principle, namely, the extension of powers to courts which did not hitherto enjoy them, there are serious objections. In the first place, I do not agree with the statement made by the Honourable the Home Secretary that all the High Courts in India, which are said to possess the powers of courts of record by section 106 of the Government of India Act, do enjoy the powers which are sought to be conferred by this Bill. As I understand the law, I think only the presidency High Courts situated in Bengal, Madras, and Bombay do enjoy such powers. The Privy Council have definitely put it on the basis that those three High Courts succeeded to the powers of the Supreme Courts, and therefore they possessed the powers enjoyed by the King's Bench Court in England of punishing for contempts. But with regard to a High Court like that at Allahabad it has not succeeded or inherited any powers of any supreme court. Therefore, I maintain that under the law as it stands, the High Court of Allahabad does not possess any power to punish people for contempts committed even in respect of itself as the High Courts of Madras, Bombay and Bengal do. Clause 2 stands thus:

"* * * the High Courts of Judicature established by Letters Patent shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to them as they have and exercise in respect of contempts of themselves."

It is open to us on the clause as it stands to contend that if at present some of them do not enjoy such powers in respect of themselves, they cannot exercise such powers in respect of courts subordinate thereto. As clause 2 now stands, the Allahabad High Court does not possess the power regarding itself, and therefore much less can it exercise this power in respect of courts subordinate thereto, because it is not correct to say that all courts of record have such powers in India, whatever may be the law in England. Therefore, section 106 of the Government of India Act does not confer any such powers on High Courts other than those established by a Charter.

Sub-clause (*2*) of clause 2 of the Bill further seeks to confer such powers on Chief Courts which certainly did not enjoy these powers till now; and we find that it is not sought by this Bill to extend those powers in respect of courts subordinate to the Chief Courts. I am therefore justified in drawing the inference that this Bill makes a distinction between the High Courts and the Chief Courts with regard to the status and powers with which they are to be invested. While entrusting to the High Courts larger powers to punish for contempt, it does not confer all those powers on Chief Courts. Therefore, I take it, that it is recognised that the Chief Courts occupy a position inferior in status to the High Courts. Therefore this Bill certainly extends powers to certain courts not possessed of such powers hitherto and it is to this extension that we object. My objections are threefold. I submit that firstly the extension is undesirable on principle. In England the power to punish for contempt is not a statutory power but a common law power. The growth of common law in England is a matter of centuries, of labour of great jurists and judges. Nevertheless the law of contempt in England cannot be said to have reached a state of perfection. It is still in a state of flux, and to seek to import that common law into India is not defensible. This power to punish contempts, it must be confessed, is an extraordinary power. As pointed out by the Home Secretary, there are already some safeguards in existence to protect courts from interference in the due administration of justice. The provisions of the Indian Penal Code, section 480 of the Criminal Procedure Code, and the provisions of the Civil Procedure Code do contain provisions which are safeguards for protecting courts in the due discharge of duties by them without molestation or interference. This power which is sought to be given is of an exceptional character. The person who is offended against is constituted judge, witness and prosecutor; therefore such an extraordinary power should only be given to courts which command the highest confidence, and it should not be extended unless urgent and unavoidable necessity has been proved.

Now, Sir, this power also is undefined and said to be indefinable. The scope for courts exercising very wide discretion is patent from the fact that it is not found possible to frame a comprehensive definition. Again the procedure is very summary and no appeals lie. Therefore in placing such dangerous and very exceptional powers in the hands of courts, we ought to proceed very cautiously, and it is wrong to extend them.

Then *secondly*, I think as a matter of expediency it is very dangerous to extend the power to Chief Courts which have not hitherto enjoyed this power. In India the judicial and executive functions are not separate. The District Magistrate is the chief executive authority who really moves in the matter. For instance, if a subordinate magistrate is said to have been wrongly attacked by a newspaper, when the District Magistrate takes

[Mr. V. Ramadas Pantulu.]

up the question of proceeding against the paper for contempt I am afraid a lot of executive bias will be thrown into it. All persons objectionable to the executive will be brought within its net, and therefore there will be room for the abuse of power by executive intervention. With regard to the Chief Courts we should not forget that it is the Government of India which appoints judges. The judges of these courts do not enjoy the same amount of confidence as judges of High Courts appointed by His Majesty. I mean no disrespect to them. It is the feeling. Sub-clause (*2*) of clause 2 does not intend to entrust Chief Courts with all the powers given to High Courts by sub-clause (*1*) and thus recognises the distinction between the two. Therefore I think any extension of power to Chief Courts is dangerous as a matter of expediency.

Thirdly and lastly, my objection is that absolutely no need has been made out for this legislation. As pointed out by the Honourable Mr. K. C. Roy, the Press on the whole has shown great moderation and a due sense of its responsibility in dealing with the judiciary. I hope it has won approbation from all quarters. I do not think any case has been made out by citing instances in which it has been brought to the notice of Government that a measure of this sort is imminently needed. The Press has on the whole done very well and there is no apprehension that it will not do equally well in the future. With a growing sense of responsibility and public opinion the Press is trying to show greater regard to law, and there is not the slightest danger of its going wrong. The Home Secretary said that the matter had engaged the attention of the Government for a long time. I do not think that that is any justification for the measure, unless it is shown at the same time that in these long years matters have grown so serious as to justify the measure. Because the measure has been hatched for a number of years it will not be a sufficient justification for its introduction. I would point out that there is a loud, strong and almost unanimous protest against the measure. All sections of the Indian Press objected to it and many newspapers of eminence, well conducted and respectable, launched reasoned protests against the measure. I think Government ought to pay heed to these protests unless they can show some strong case; otherwise there is no justification for it. I do not think that either on principle or in the way of expediency has any case been made out for the extension of these powers. No need for it has been felt; we have got on very well with powers which the courts at present enjoy, and there is no demand for newly investing those courts with other powers. I have not been shown any papers in which the need for this measure has been urged. I therefore vote against this Bill which contains a vital objection in principle. On these grounds I oppose this motion.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma: General): Sir, I do not want to say much on this motion; I find that the codification of the law of contempt is certainly a step in the right direction, and it is the duty of the Legislature to set doubts at rest in cases like this. The law of contempt as everybody here knows is a very delicate branch of the penal law, and it is as well that an attempt is made by the Legislature to place it on a proper footing whereby not only the lawyers and judges, but the people concerned, may know where they stand in regard to this measure. In the Bill before us I find the law of contempt has certainly

been very much improved and there is every reason to be gratified at the measure of punishment which is sought to be given in connection with contempt against the highest courts in the land and also the courts subordinate to the High Courts. As the law was administered, we come across cases where severe punishment in the form of imprisonment for disobedience to orders of the court have been given. I know of a case where a Judge sitting on the Original side of the Madras High Court awarded punishment for contempt by giving the man a term of imprisonment which could last till the pleasure of the court. No doubt the man was not brought into the clutches of the law, because he managed to escape, and later on it was brought to the notice of the court that he showed signs of repentance and he was let off. I bring in this instance merely to show that the law of contempt, as it stood, was administered very rigorously in small cases where a court thought that its dignity had been infringed. People are all aware of the punishment awarded to the *Kesari* in one case of contempt where a fine of Rs. 5,000 was imposed, but I believe it is not possible for any of the High Courts to give imprisonment to last till the pleasure of the court or punishment which may extend to a fine of over Rs. 2,000. And then it is clearly laid down that only simple imprisonment can be awarded and there is no question of rigorous imprisonment being awarded in cases of contempt. The Honourable Mr. Ramadas Pantulu objected to the extension of these powers to Chief Courts, *i.e.*, the highest courts which are not High Courts. I fail to see why, if the Presidency High Courts, established by Royal Charter, can be safely entrusted with this power, the other courts which are the highest courts in the land, should not be given the same power. Of course it may be argued that, because these Chartered High Courts in the Presidency-towns have been exercising this jurisdiction, they can safely be entrusted with it as they have been used to exercise such power, but I do not think such an argument is sufficient to prevent the power being given to the highest courts in the land under the existing circumstances. When they can have the right to punish people to the same extent in all other respects as the Chartered High Courts, there is no danger in entrusting this power to them, though they are not Chartered High Courts. It is only an accident in the evolution of the judicial history of India that some only of these High Courts are chartered and there is no reason why the other High Courts should not be given the same powers.

Then I find no attempt has been made to define the word "contempt", and I am glad that no attempt has been made to define it because it is not a thing that can be defined as a term of law, and it is better that the old tradition of the law of contempt of the common law as it stands should be allowed to stand because there would be difficulties in applying the law if some form of definition was given to the word " contempt." It may lead to trouble afterwards.

Then as regards the other objection, that no case has been made out to extend the power to other High Courts. I admit that the Press, including the vernacular Press, has shown that they understand fully their responsibility and they have been very fair in their criticism; but when an attempt is made to codify the law of contempt, it is better to define what the law is and to make it as satisfactory as possible, and there is no need to make out a case for placing this law of contempt on a satisfactory footing. It does not imply that the Press has been giving trouble and it is

[Mr. P. C. Desika Chari.]

necessary to bring in legislation of this kind. It has been thought fit to resolve certain doubts, and in resolving certain doubts, to extend the provisions of the law in such directions as are considered satisfactory. With these words I heartily support the Bill.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I am reluctant further to trespass upon the indulgence of the House and I only rise now lest I might be considered guilty of some discourtesy in making no reply to the observations which have fallen from the Honourable and learned gentleman from Madras. It is only a few minutes ago that the House passed, without a single dissentient voice, a motion to take this Bill into consideration, and, in doing so, it accepted the principles involved in the Bill. I was therefore somewhat surprised to hear the character of the arguments which were brought forward by my Honourable friend at this stage in the debate. It appeared to me that they referred solely, singly and entirely to the main principles involved in a measure which in principle the House has already accepted. The Honourable Member will therefore, I trust, pardon me if I reply to his criticisms in only the very briefest terms. The Honourable Member said that his objections to the Bill were threefold. He thought any extension of such powers in contempt as existed was in itself undesirable. Well the extension contemplated by the Bill is not a very great one. It extends it to Chief Courts in respect of contempts of themselves. Now the real point that arises in the matter—because I think no one can contest the proposition that the actual effect of the law ought to be perfectly clear—the only question that can possibly arise with regard to this point is whether or not Chief Courts constituted in India are worthy to be entrusted with these powers. For my own part I should very gladly have seen the Chief Courts entrusted with similar powers in regard to the courts subordinate to them, and that feature of the Bill, I need not attempt to conceal from the House, was largely a matter of compromise. My Honourable and learned friend now alleges it as a discrimination against the Chief Courts and as constituting a ground why the Chief Courts should not have the power to punish contempts committed in their own presence. I do not think that is a fair argument, but the real point on which the House has to satisfy itself, after getting rid of all technicalities, all unfounded apprehensions and all matters of prejudice, is whether it is really the fact that the Chief Courts in India are unfit to exercise powers of contempt. I say if they are unfit to exercise jurisdiction in contempt, they are probably unfit to exercise most of the other powers entrusted to a Chief Court.

The second objection alleged by the Honourable gentleman was that, in the case of prosecutions for contempt, the matter was usually set in train by the executive power. Well, I think the House has already heard a little too much of this attempt to treat the intervention of the Executive Government in any judicial process as a matter for constant suspicion and constant disparagement. But the argument that has now been introduced in regard to proceedings in contempt leads me to ask the Honourable Member does he really contend that in the matter of the administration of the criminal law, in the matter of the prosecution of offenders, the executive power is to be totally excluded? Is that a possible position? The Honourable and learned gentleman is far better aware than I am that in the ordinary processes of the criminal law prosecutions are undertaken on behalf of the King, that

serious criminal offences are committed not only against the law but against the King, that the King is the prosecutor in these cases and the executive authority takes part in those proceedings in its capacity as exercising that part of the functions of the Crown. If the Honourable Member alleges this as a reason why the House should not accept any provision for jurisdiction in contempt, he employs an argument which if carried further would reduce the whole of the criminal administration of this country or of any other country to an absurdity.

Finally, the Honourable and learned member said that no need for this measure had been disclosed. I think that point has been adequately replied to by the Honourable Mr. Chari. He pointed out, as I had already myself pointed out, that if you have an important branch of law in a state of flux, in a state of doubt, it is surely in the interests not only of the legal profession but also of the courts and of the public that that law should be made precise and clear.

Those were the three main objections taken by my Honourable and learned friend, and I am afraid I cannot regard any one of them as tenable. I submit the motion to the House.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to define and limit the powers of certain Courts in punishing contempts of courts, as passed by the Legislative Assembly, be passed."

The motion was adopted.

INDIAN MEDICAL EDUCATION BILL.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras: Non-Muhammadan): Sir, I beg to move that the Bill to regulate medical education in India be circulated for the purpose of eliciting opinions thereon before 1st July 1926.

Sir, in doing so, I do not wish to tread on the same grounds as were adduced already in support of this Bill, once again now. The Statement of Objects and Reasons clearly defines the scope and purpose of the Bill. The importance of this legislation cannot be minimized and the public must have their say in the matter. The Government too may be anxious to invite the opinions of Local Governments and the various Provincial Medical Councils on this Bill. I, therefore, move that the Bill be circulated and that public opinion be elicited before 1st July 1926, so that the Bill may be piloted through in all its other stages, during the Simla Session and passed into law without undue delay.

THE HONOURABLE SIR MUHAMMAD HABIBULLAH (Member for Education, Health and Lands): Sir, I think the House will expect that I should at this stage indicate briefly the attitude of the Government towards this measure. I may at once state that the Government of India reserve their opinion until they have fully considered the expressions of opinion which the motion of the Honourable Mover is intended to elicit. All the same, Sir, I think I cannot refrain from making a few general observations. A cursory examination of the Bill has disclosed certain defects which I think I should bring to the notice of the House. Honourable Members will have observed that the Bill attempts to regulate the standard of qualifications for the purpose of the practice of indigenous systems of

[Sir Muhammad Habibullah.]

medicine, and this I venture to think is rather impracticable. Further, it seeks to place on the same register the practitioners of this system and those of the allopathic system, and I fear that it may lead to difficulties with the General Medical Council. Even in regard to the practice of Western system of medicine the Bill seeks to regulate standards of qualifications in respect of the Sub-Assistant Surgeon class as well, which for obvious reasons ought properly to be left to Provincial Governments. It is indeed significant that the Bill is silent in regard to the source from and the methods by which the various, or shall I say the long, catalogue of the activities of the proposed All-India Medical Council should be financed. It is, I take it, a truism which I need not stress that without finance no organisation can function; and perhaps, lastly, the proposed All-India Medical Board is rather unwieldy.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: Sir, with regard to the observations made by the Honourable Member, I beg to point out that it is futile to depend on the allopathic system alone, should we desire to make medical relief available to every class of people in every corner of the country. The indigenous system has the merit of being or at least of becoming cheap if it is sufficiently encouraged. The first step in popularising it, is to systematise the training given in it and make it scientific. The late Director-General, Sir Pardey Lukis, while speaking of the Ayurvedic system of medicine said:

"The longer I remain in India and the more I see the country and the people, the more convinced I am that many of the empirical methods of treatment adopted by the Vaids and Hakims are of the greatest value and there is no doubt whatever that their ancestors knew ages ago many things which are nowadays being brought forward as new discoveries."

There are similar opinions held by other competent foreigners who cannot be accused of national bias. Besides, the Ayurvedic system having been evolved in this country is better suited to the people, their habits and mode of life, their constitution, their temperament and their environment. It is hoped that no manner of opposition would be raised against this particular provision in the Bill and that under the fostering care of the would-be Council, each system will be allowed to grow independently of the other for the ultimate benefit of suffering humanity.

Sir, objection has been taken to coupling the Ayurvedic and Unani practitioners with allopathic practitioners. In England, the General Medical Council has allowed that class of practitioners who practise homœopathy to be associated with allopathic practitioners.

It has also been said that the proposed Council is a very big body. I would merely point out in this connection that whereas in the British Medical Council there are as many as 42 members, my Bill provides only for 35 members. And I may further point out that it is not correct to say that the Sub-Assistant Surgeon class should be left to the Provincial Governments and should not concern the Government of India.

We have been told that the Government are averse or unwilling to interfere with the provincial transferred subject of medical education; but it must be understood that the regulation of medical and other professional qualifications is a reserved provincial subject and is moreover subject to legislation by the Indian Legislature. All-India legislation is therefore necessary. If I remember aright, some years ago the Government of India

consulted all the provincial medical councils as to whether it was possible to have an all-India medical registration, on the lines of my proposed Bill, and I understand that most of the Provincial Governments gave a favourable opinion. Further, Sir, I have myself privately got the opinions of many of the associations and provincial councils and most of them are in favour of this Bill. I am only asking the Government to elicit further information; and if they do that and get favourable opinions, then the Government can themselves take up the matter. As regards the financial aspect of the question, when the Bill is referred to Select Committee, they can introduce provisions concerning the financial aspect. With these few words, Sir, I would suggest to the House to pass this motion.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to regulate medical education in India be circulated for the purpose of eliciting opinions thereon before 1st July 1926."

The motion was adopted.

PHOTOGRAPHIC GROUP OF THE MEMBERS OF THE COUNCIL OF STATE.

THE HONOURABLE THE PRESIDENT: It has been suggested that as usual a photographic group of Honourable Members of the Council should be taken before the close of the present Session. I think that is a proposal which may commend itself in general to the House, and arrangements have accordingly been made for the attendance of a photographer on Saturday morning at 10-30, so that a group of as many Honourable Members as can possibly be present may be taken before we meet to discuss the second part of the Budget.

I think it may be useful also to Honourable Members to know that of the items on the List of Business for to-morrow, one will not be brought forward. The Honourable Mr. Desika Chari has given notice that he does not intend to move the Resolution standing in his name which concerns the Burma Expulsion of Offenders Act, 1925.

The Council then adjourned till Eleven of the Clock on Wednesday, the 3rd March, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.

COUNCIL OF STATE DEBATES

WEDNESDAY, 3rd MARCH, 1926

Vol. VII—No. 13

OFFICIAL REPORT

CONTENTS

Resolution *re* Import Duty on Artificial Ghee—Withdrawn.
Indian Registration (Amendment) Bill—Passed.

DELHI
GOVERNMENT OF INDIA PRESS
1926

Price Five Annas.

COUNCIL OF STATE.

Wednesday, 3rd March, 1926.

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

RESOLUTION *RE* IMPORT DUTY ON ARTIFICIAL GHEE.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to move:

"That this Council recommends to the Governor General in Council that 100 per cent. *ad valorem* duty be levied, as early as possible, on the import of 'Vegetable Product', 'Vegetable Solidified Oil', 'Vegetable Compound', 'Vanaspati Ghee' and any other similar preparations imported into this country for being marketed as artificial ghee for adulteration with pure ghee".

Sir, up to the pre-war days the price of ghee was rising only normally along with other commodities, but when the Great War broke out, the Government purchased such a large quantity that the entire produce of the country could not meet the Government demand. In pre-war days, I mean in the year 1914, the Government fixed the price of ghee at 7 annas per lb. for the ghee purchased for its troops, the bazar rate of ghee in those days being Rs. 40 to Rs. 42 per maund, and the demand, as far as the Military Department was concerned, was about 28,000 maunds a year. The troops used to take on an average half an ounce per head of ghee when there was no free rationing. In 1915 the demand for ghee on behalf of the Government began to rise, and in 1916 the total military demand for ghee rose to 9 lakhs of maunds per year, out of which India could supply only 5 lakhs of maunds, and the remaining 4 lakhs of maunds of ghee was being supplied by Mesopotamia, Egypt and other countries. In 1918 the price of ghee rose to Rs. 64 a maund, and the result of this demand was that the people began to adulterate ghee with animal fats and vegetable oils, like tallow, lard, fish oil, and sesum oil, in fact even the fat of pythons was used for such admixture. In the year 1917, the Government demand for ghee fell to 3½ lakhs of maunds. In 1919 the price of ghee rose to Rs. 90 per maund, and in 1920 it rose to Rs. 105 per maund. This rise after the war, as far as I can make out, is due to the Military Department purchasing ghee after chemically analysing it, and that led to a further rise, because generally in those years after the war ghee could not be had in a pure condition. Such adulteration was however always detectable by the expert eye and nose, and the ghee dealers in general could distinguish it in no time. After the war the Government made it a rule to issue free rations to the Indian troops as well, the result of which has been that the Government has become regular purchasers of ghee on an exceedingly large scale. This has caused an abnormal rise in the price of ghee, but its consumption still continues as the intrinsic value of ghee is very well known to Indians irrespective of caste or creed. Every farmer has to keep cattle

[Lala Ram Saran Das.]

for field work and has to maintain a permanent complement of live-stock, in addition to keeping cows and buffaloes for breeding purposes. The ghee which he finds surplus to his own domestic requirements is sold by him in the nearest markets. Nobody would deny that ghee owing to its rich and nutritious properties is a necessity of life for Indians as a race. In spite of its dearness Indians have not given up ghee nor have they replaced it even by the purest vegetable oils. The practical experience of thousands of years has taught Indians that ghee is a boon for their health and strength. It frequently occurs that a person who is in the habit of not using oils in his daily food, gets sore throat, cough, indigestion, etc., when he is compelled to eat, though for a few days, food cooked in oil. This is exactly the case when such a person uses Vanaspati Ghee or other similar preparations. The imported so-called ghee is the compound of a certain vegetable oil, and the process under which it has been treated is that the oil is hydrogenated or deodorized. Sometimes it is given the flavour of ghee. It is, however, very difficult to say whether animal fats are also chemically mixed with it, as such fats, if passed through a chemical process, cannot be easily detected. Such a ghee may serve the purpose of the kitchen, but after passing through all the chemical treatment at a very high temperature it loses all its vitamins which even the ordinary vegetable oil contains. At present the price of pure ghee is Rs. 63 to Rs. 70 per maund, and that of imported artificial ghees is Rs. 35 to Rs. 40 per case containing two tins weighing 80 lbs. net. It cannot be said whether in the various brands of artificial ghee the composition of oil and other substances is the same or each has a different composition. Animal fats being always cheaper than vegetable oils, it seems probable that the cheaper brands may have an admixture of such fats. I have seen a letter which one of the importers received from the suppliers to say that their brand does contain fish fat. Artificial ghee has so rapidly gained a footing in the Indian markets that even the producers of pure ghee are freely buying it for adulteration with ghee before marketing it. It is very hard to detect such adulteration without proper chemical analysis. I tried to get information from the Government by asking a question in this House as to the quantity of artificial ghee imported into India, but I was disappointed at receiving no information in this respect. However, according to the best of my information from its importers, the import of such artificial ghee up to the end of 1925 was about four lakhs of cases, or say four lakhs of maunds of 80 lbs. each. Thus the import duty at 15 per cent. *ad valorem* must have been about Rs. 24,00,000 roughly speaking.

Out of these four lakhs of cases. 135,000 were landed at Bombay and a similar quantity at the port of Calcutta. This means that many crores of India's money have gone to Holland, Belgium and such other foreign countries in which India has no interest.

Notwithstanding the Adulteration of Foods and Drugs Acts being in force in the Punjab and perhaps in certain other provinces, the admixture of artificial ghee has during the past few years very greatly increased. The law has, therefore, proved quite ineffective in this respect. A very large, nay, an overwhelming majority of ghee producers having become habitual offenders in this matter cannot all be prosecuted, and so I am suggesting a prohibitive import duty on this stuff to solve the difficult situation so created.

The Government, since the termination of the Great War, have been regularly making a yearly purchase of about 3,000 tons of pure ghee for their Indian troops. My presumption is that if the military medical authorities had approved of the use of pure ghee mixed with artificial ghee, the Government would not have lost the big sum of about Rs. 13,55,000 per year, as the mixed ghee could have been had at about Rs. 15 per maund cheaper. The Military Department gives 2 ounces of pure ghee per head for maintenance of normal strength, and as the mixed ghee fails to answer this purpose, the saving has not been effected, and rightly too.

The Indian Ruling Princes, whose States have a reputation for producing pure ghee, are giving serious attention to this matter. The Patiala Durbar, as far as my information goes, has prohibited the import of artificial ghee within its territory. The Gwalior Durbar is keenly watching the situation. An instance is reported to have occurred in the Gwalior State where a merchant importing artificial ghee as oil with the intention of adulterating it with pure ghee fled on the State authorities getting the correct information.

If the Government are unable to see their way to impose a cent. per cent. import duty, I suggest that such duty be levied as to bring its price to a par with pure ghee and thus solve this important difficulty.

I may, for the information of this House, give some figures of the quantity of pure ghee which some of the provinces in Upper India produce for marketing after meeting their own domestic requirements. These figures seem correct as far as my information goes. The Punjab produces about 40,000 maunds of pure ghee, of which as much as 30,000 maunds are consumed through the local markets and the surplus of 10,000 remains for export to other provinces. The United Provinces produce 60,000 maunds, of which 10,000 maunds are consumed through the local markets and there remains a surplus of 50,000 maunds for export. Central India produces 100,000 maunds, of which 90,000 maunds are exported; only 10,000 maunds are consumed through the local markets. The Central Provinces produce about 60,000 maunds, of which 20,000 maunds are for the local markets and 40,000 maunds for export. The present prices are about Rs. 70 in the Punjab, Rs. 65 in the United Provinces and in the Central Provinces and Rs. 63 in Central India.

From these figures it is clear that the Punjab consumes more ghee per head than any other province, and pays a higher price as well. So the Punjab suffers most in this respect. In giving these figures I have not taken into account the amount of ghee which the producers themselves use for their own domestic requirements.

The free adulteration of this stuff with pure ghee is now a daylight scandal which Government should not allow for even a moment.

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

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, as this Council knows, it has been my fate and my interest during the last 3½ years to receive a good many applications for enhanced duties. Some of these applications have been for very heavy increases. It is possible that there are probably a few in this Council—I refer especially to my friends on the front Bombay Bench—who will regard me with sadness as a hardened exponent of high duties. But although I have had many such applications,

[Mr. D. T. Chadwick.]

I have had very few indeed that asked for a cool hundred. The scale of our tariff is high, yet there are only two articles which carry a duty of 100 per cent. or over, namely, matches and saccharine. Matches yield a very high revenue; saccharine has no food value. Here, my Honourable friend from the Punjab wants to add another article to that list. Therefore, Sir, it behoves this Council to look very carefully into the article and see what this pernicious article is which he wishes to add to this little category of two and to see also his reasons for it. Well, Sir, what are these Vanaspati and many other vegetable fats? Some of them are manufactured in factories in Europe and Holland which are renowned for the excellence of the margarine they make. What happened in Europe in the case of margarine? 30 years ago the price of butter in Western Europe was very high. It was largely out of the reach of the poorer classes. Human skill, human industry, human invention found methods of utilising the vegetable oils to produce a wholesome fat of the consistency of butter. That was put on the market as margarine. Dairying interests, vested interests, were horrified at anybody having the temerity and the rashness to produce anything that could be used instead of butter. The States were, however, wiser than those people and did not yield to their request to prohibit this manufacture altogether. They said, and said rightly, that this was a useful pure vegetable foodstuff and that it was unreasonable to prevent people from having access to this foodstuff. The only condition they laid down was that it should be sold fairly under its own name. So it was done. The manufacture of margarine, as we all know, has improved very greatly indeed, and it is now sold in practically all the grocery shops in any large town in Western Europe. The net result is that now another extremely useful foodstuff has been made available to the people.

Now, Sir, very much the same sort of thing is happening here. Vanaspati and other vegetable fats that the Honourable Member has mentioned were first imported into India in 1923. As soon as they appeared, they were seized by the customs officers to make certain that they had not been misdescribed. They were sent to the Chemical Analyser for examination and his verdict upon the sample tins that were sent to him was that " this was a perfectly pure product consisting wholly of pure vegetable products ". These articles have been analysed and submitted to examination repeatedly in different municipalities, and in regard to every one of them the decision and result has always been the same. I quote from the *Bombay Chronicle* of the 19th January, 1926:

" Ahmedabad, Jan. 17.

The Sanitary Committee of the Ahmedabad Municipality has expressed the opinion that vegetable ghee has been testified to as harmless by the chemical analysers and no steps can, therefore, be taken against sellers of vegetable ghee nor can its import be prohibited. Food Inspectors, however, should be instructed to keep an eye on the adulteration of indigenous ghee with vegetable ghee. This opinion of the Sanitary Committee was endorsed by a general meeting of the Municipality recently."

Why did these manufacturers, who had brought to a high pitch of excellence the manufacture of margarine, turn their attention also to the production of a wholesome vegetable product similar to that of ghee? The reason for that I think my Honourable friend has largely given. It was that there was in reality a genuine demand for such a product. Long before 1923, the demand in this country for pure ghee had far outrun the supply. Before the war I had the fortune of being the Director of Agriculture in Madras

and I put on one of my Deputy Directors to make a detailed inquiry into the cattle and live-stock of Madras with a view to starting cattle breeding farms and endeavouring to improve the live-stock of the province. Mr. Sampson, who was one of our most careful officers, made a report as far back as 1914, that is 10 years before these new forms of vegetable fat came to this country. He reported as follows:

"Formerly the demand was much more of a local one and was more or less limited; thus there was a competition in the supply and the ghee was good. Now the whole of India, as well as Burma, forms the market, with the consequence that every corner of the country is now exploited by merchants for the supply of ghee. The result is that, at every change of hand from the producer to the consumer, the ghee is liable to be adulterated . . . In the Ceded districts safflower oil is largely used for adulterating ghee. In some cases this is done even by the ryot before it is sold to the petty dealer. The petty dealer, it is usually stated, makes six tins out of four of the ghee which he collects. This is done by adding safflower oil or animal fat, which latter is obtained from the Malas, who melt it down from the carcases of dead animals. It is stated that at each change of hands four tins of ghee are made into six tins, and, if this is so, there is no wonder that complaints all over the Presidency are loud when the question of the purity of the ghee supply is mentioned. Every district reports the same complaint that ghee is not only very much adulterated but that it has risen greatly in price."

Then we come to the war years. The Honourable Sir Charles Innes, speaking about this Resolution to me this morning, recalled an incident in his own experience when he was during the war years in charge of the civil supplies as Director of Industries in Madras. Then the question of ghee came up and he told me that the proportion of four tins to 6 tins no longer held them, but that it was one bottle made into ten by the time it reached the town of Madras. This was before any of these vegetable products came into this country. I can go further back. Sir George Watt, a name well honoured in Bombay and remembered by my Honourable friends on the other side, wrote in 1885 as follows:

"The chief articles used in the adulteration of ghee are vegetable oils such as cocoanut, ground-nut, cotton, safflower, poppy, sesamum, niger and *kokum*. These are all harmless enough, though cheaper than ghee; but injurious oils are also used, especially mahua, Salvadora and castor-oil. Other animal fats, especially mutton, are largely utilised . . One of the most valuable papers on the adulteration of ghee is that written by Mr. Shroff, who states that the Bombay ghee trade is in the hands of a dozen merchants, and that adulteration is effected, not by the dairymen, but by the traders. The fats used are often most offensive and deleterious substances, at times even obtained from the carcases of diseased animals. Numerous complaints have been made and even legal proceedings recently taken regarding the adulteration of ghee."

That goes right back to 1885 and my Honourable friend tells us that this adulteration started after the war! Another set of events shews that it is perfectly impossible that this adulteration started after the war, for between 1917 and 1919 nearly every Local Government passed an Act making it an offence to mix anything with ghee and sell it as ghee.

Now, Sir, these vegetable fats have, as I have said, been proved again and again to be a wholesome, clean, vegetable product. My Honourable friend wants to put on a 100 per cent. duty on them. His object in desiring to do so was clear. It was obviously not to increase the revenue; it was to prevent them coming in. He wants in fact to cut off the supply of these vegetable fats. That is, he desires to deprive the people of this country of the chance of having a wholesome, clean foodstuff; in other words, he recommends that we should go back to pre-war days and encourage the adulteration of ghee in the manner which I have already read out to the House. You cannot deprive a country of their cooking fats. People need

[Mr. D. T. Chadwick.]

cooking fats; and, as I have shown, the plain truth is that the demand for pure ghee far exceeds the supply. That means that if you cut off the supply of a wholesome alternative adulteration becomes more rampant.

My Honourable friend has given us some figures of the quantity of imports. These imports are not recorded separately in our trade returns. They come under the general category of " Other Provisions ". He told us that the figure was 4 lakhs of maunds in 1925. I have got the figure here of the total imports of " Other Provisions ", in the financial years ending 1924 and 1925. That total imports of all " Other Provisions " in which this vegetable ghee is only one item were 43,000 maunds. Where the balance between his figure and the figure I have given comes from I am afraid I do not know. My Honourable friend has also carefully avoided one great difficulty in which he is, by not alluding to it. If I understand him rightly his objection to these vegetable oils is that they are not wholesome. (The Honourable Lala Ram Saran Das shook his head). Then they are wholesome? I am glad to hear from him that they are wholesome. Therefore, what he wants to do is to prevent the poor people of this country from having a wholesome food! I take it that his objection was that there are no vitamins in them and that I leave to my Honourable friend, Sir Charles MacWatt, to deal with. He states that these fats have lost their vitamins by the process of hydrogenation and that is why he wants to get rid of them. But what about Cocogem which is made in this country? It is manufactured in Southern India from vegetable oils by exactly the same process. If he is going to prevent the import of those vegetable fats because they are made by hydrogenation, then he ought to make it an offence to manufacture Cocogem, or at least put on an equivalent excise duty on an Indian industry since that is also made by hydrogenation. I was rather hoping that I would get some support for an excise duty from one of our chief industrialists and business men of the Punjab, but I see he desires to give a 100 per cent. protection to Cocogem.

Now, I can sympathise heartily with one purpose he probably has in view, namely, that articles of food should not be adulterated. There I am with him entirely, and it is doubtless the desire of every Member of this Council that articles of food which are sold should be wholesome and clean. That aim should be attained not by trying to prohibit the entry into this country of clean and wholesome food, but by enforcing the laws which already exist in most provinces against adulterating ghee and which provide for the punishment of traders who adulterate ghee with other products. In other words, the proper way to deal with this question and all other questions of a similar nature is that which was enunciated by the Ahmedabad Municipality in the extract which I have just read, namely, that there is no case whatever to prohibit the import of these vegetable oils, but that food inspectors should be instructed to keep an eye on the adulteration of indigenous ghee and take the necessary disciplinary action. If that were done and done vigorously and if that could be enforced throughout our bazars, not only ghee but also many other foodstuffs offered for sale to the people of this country would be vastly improved both as regards quality and quantity. Such kind of action has been found necessary in every country in the West, and the time is coming, nay has come, when it ought to be enforced also in India. We should not try to cut off supplies. Let every man have as much variety of food as he wants, but let us try and see that food offered for sale is clean and is good. The administration of such

Acts is in the hands of the provinces. It is not the task of the Central Government.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras: Non-Muhammadan): Sir, the whole point is ghee is much more easily digested than vegetable oil. My Honourable friend who has just now spoken said that ghee is adulterated in India with gingelly oil, cocoanut oil, ground-nut oil, and so on. I do admit that such admixture is going on in India. That is no reason why we should permit some other oil to be imported from other countries. The question is whether the vegetable oil which we have got in India is purer than the imported oil or not. Now the vegetable oil produced in India is not in such a bad condition as the vegetable oil imported from outside. Of all the fats ghee is the easiest to digest. I think it is admitted by all including the scientists that ghee is also one of the thinnest of fats. It is so very easy of absorption. In India most of us are vegetarians. Those who are not vegetarians use large quantities of ghee with their fish and meat. If ghee is adulterated with lard or vegetable oil imported from outside, the food gets spoiled. Even the gingelly oil and cocoanut oil, if they are kept for more than a certain number of months, become rancid and they spoil the system. I know of instances where attacks of diarrhœa were due to the use of bad oil. Of course in India we are using vegetable oil mixed with ghee but this must be put a stop to. In India the death-rate is rising. About 26 per cent. of the deaths among infants is due to digestive troubles, such as diarrhœa, dysentery or other allied troubles. The death-rate in India is double that of the United Kingdom. (*An Honourable Member*: "Is it owing to ghee?") It is owing to ghee. Most of our things are fried in ghee. Our cakes are fried in ghee. If the ghee is bad, it brings on diarrhœa, indigestion and dyspepsia. The Honourable Member who has just spoken also said there is provision in the Municipal Act to prevent adulteration. I do not know about the other parts of the country, but so far as Madras is concerned, the provisions of the City Municipal Act are a dead letter. For want of proper equipment, and for want of proper laboratories, the fixing of the standard of purity has not been done. No cases can be prosecuted unless the standard of purity is fixed. So far as Madras is concerned, the Act is nothing but a dead letter. I said ghee is a very fine fat. Ghee is not only a fat but it contains some kind of vitamins. These are very essential to keep our lives safe. Unless we have vitamins in the foodstuffs we take, we are apt to contract certain kinds of diseases. In good old days when sailors had to travel long distances without any fresh vegetables they were supplied with vegetables preserved in tins. For want of fresh vegetables which contain vitamins, they used to suffer from a disease called scurvy. People who are accustomed to eat rice, if the rice is very polished and the husk is removed, suffer from a disease called beri-beri. As for ghee it is not fat but fat with vitamins, that is necessary. Without vitamins the system can never be in a healthy condition. The Sanitary Commissioner of the United Provinces once wrote:

"by cheapening the price of milk so as to bring it within the reach of the poorer classes, more would be effected towards reducing infantile mortality than the presence of any number of trained *dhais* would accomplish."

Again the death-rate among females between the ages of 15 and 30, that is to say during their child-bearing period, is appreciably higher than the death-rate of men of corresponding ages, and this is doubtless due mainly to the want of nourishing foods, such as milk and ghee which they most

[Dr. U. Rama Rau.]

require at this period of life. Indians are practically vegetarians and even among non-vegetarians the quantity of fish and flesh consumed being considerably small, milk and milk products form their chief sources of nutrition. Owing to a number of causes, economic and otherwise, which it would be needless for me to go into now, the output of these nutritious foodstuffs is becoming considerably low. The market is full of patent foodstuffs which do not contain vitamins. To meet the growing demands of the people various artifices are resorted to and adulteration is among them the most successful one. Pure unadulterated ghee, Sir, is very hard to procure in these days. The Indian markets sell mostly adulterated ghee. So far as I know there is absolutely no control whatever over the adulteration of foodstuffs. These vegetable oils and vegetable compounds, apart from their unsuitability as substitutes for ghee, will only go to augment the sources of adulteration. They will be sold in the market as ghee and at the rate at which ghee is sold. This is really fleecing the ignorant public and the Government must come to their rescue now. To prevent their being marketed as artificial ghee, which has no nutritive value whatever except the nutrition of the fat in it and to avoid the risk of adulteration with pure ghee, which would tell upon the health of the people, Government must impose a prohibitive tariff. I even object to cocogem and margarine, both of which contain no vitamins at all. With these few words, Sir, I strongly support the Resolution moved by my friend.

THE HONOURABLE SIR BIJAY CHAND MAHTAB MAHARAJADHIRAJA BAHADUR OF BURDWAN (Bengal: Nominated Non-Official): Sir, from the speech of the Honourable Mr. Chadwick I have been able to gather the fact that these different vegetable oils that are imported into India are from the point of view of purity not an undesirable foodstuff. Well, with that I have no quarrel. I rather regret that I did not have an opportunity to discuss with my friend from the Punjab the wording of this Resolution, for the Resolution as worded puts the Government not only into a difficulty, but I think it can be construed, whether rightly or wrongly, that a dead-set is being made at quite a whole-some foodstuff because it comes from foreign countries. I am sure that is not the object which Rai Bahadur Ram Saran Das has in view. I think what the Rai Bahadur really means is that those who are accustomed to use pure ghee for their food should have better facilities for procuring it. Had he worded his Resolution in that way probably we would have got a very sympathetic reply from the Government. In Southern India if you go to the bazaar to get some food you will never get any food that is cooked in ghee; it is invariably cooked in some kind of vegetable oil; perhaps because the people of that part of India prefer food cooked in vegetable oil or because there is not sufficient pure ghee to be had. But in Upper India if you go to the bazaar, whether the ghee is adulterated or not, you certainly get food in the bazaar cooked in some sort of ghee. Naturally the question is not only one in which a protective tariff arises, but really the question is to devise some means to increase the output of ghee in the country, and, whether that object can be achieved in the way that my friend desires by the wording of his Resolution or not, I have every sympathy with his Resolution inasmuch as it seeks to bring to the market a purer and unadulterated ghee. I therefore hope that the Honourable Member in charge, whilst he may not be able to accept the Resolution

as it has been worded, will give us some indication as to whether the provincial Acts have sufficient safeguards for this purpose. In Bengal the member in charge passed the Bengal Act within 48 hours. I do not know whether it has achieved any success or not. Unfortunately some of my Marwari friends who generally are the loudest in advocating putting purer ghee on the market, are in some cases the largest buyers, though not the consumers of this adulterated stuff which contains the fat of the boa constrictor and the python. . I found out that fact when the Bill was introduced in the Bengal Legislative Council, and when it was passed in 48 hours. Had it not been the pre-reform days probably we would have sat for days together to pass even legislation of that kind. But my main point is this, that I do think there is a grievance among not only Hindus but Indians generally who like to have their food cooked in pure ghee that this other stuff is not only being sold as vegetable oil—one would not mind if it was sold as vegetable oil—but that in spite of these provincial Acts, facilities for adulterating ghee and putting such stuff on the market are being given by the importation of these stuffs. I should like to draw the attention of the Government to this suggestion that the attention of the Provincial Governments may be directed to the Acts now in force in different provinces to see whether any further rigorous measures to stop this adulteration is possible. Those are all the observations I have to make on this Resolution.

THE HONOURABLE MAJOR-GENERAL SIR CHARLES MACWATT (Director General, Indian Medical Service): Sir, we have heard that about 4 lakhs of maunds of vegetable oils are imported annually, and I presume that if they are imported into India they are also consumed, for otherwise they would not continue to be imported; and if four lakhs of maunds are consumed annually the natural inference would seem to be that these are required to supplement the ghee which we are told is so much in demand and of which there is not enough to go round. We are also informed that this has led to the modern system of adulteration. Well, as far back as 1889, when I was serving with the Lushai Expedition, I remember well that we were troubled with bad and adulterated ghee being supplied, a considerable amount of which we had to condemn. In Calcutta I was stationed on military duty in 1892. Ghee was exported to the Andaman Islands for consumption. A military board assembled monthly on commissariat supplies, and I remember even then there was considerable condemnation of adulterated ghee: so that the adulteration of ghee is no new thing which has come about since the war. When serving in the Punjab I had the privilege of being associated with the Punjab Food and Adulteration Act which was passed in 1919, and which provided that anyone who exposed for sale an article which was labelled ghee and which contained any other product in it was liable to prosecution, and I think that a weapon was given into the hands of the Police to carry this into force.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU: How many were prosecuted?

THE HONOURABLE MAJOR-GENERAL SIR CHARLES MACWATT: I am afraid that I have left the Punjab for some time, so I am not conversant with the facts, and I could not give that information. But I understand from the Honourable Dr. Rama Rau that this law is practically null and void in Madras. Well it seems to me that as in the past it has not been enforced, you can scarcely impose a hundred per cent. *ad valorem* duty on

[Sir Charles MacWatt.]

the importation of pure vegetable oils, unless it be to encourage local production in India, on the analogy of the steel duty. India has great possibilities for turning out pure vegetable oils, but so far apparently the country has not waked up to that fact. If an article is not represented as Indian ghee, I cannot see how any serious objection could be taken to the sale of it. There has been an extensive use for cooking during the war of these vegetable oils, and a certain number of people such as the Labour Corps, said they liked it—I think some of us have possibly used vegetable oil on occasions, and without bad effects. There is no reason why vegetable oil should not be a sound product, and, if it were not labelled ghee, there is no reason why it should not be sold either. I believe there ought to be a legitimate demand for this article; so I do not see why it should not be met. Lots of people cannot afford to take the amount of ghee that others can: and if they can get a substitute in good wholesome vegetable oil, there is no reason why they should not be allowed to get it as long as they do not buy it as ghee. I have heard my Honourable friend, Rai Bahadur Ram Saran Das, talk about vitamins, and my Honourable friend on the other side made a few remarks which were very illuminating about vitamins, but unfortunately my auditory apparatus was not sufficiently acute to catch what he said. If I am not going too far into scientific matters, I think I may mention to Honourable Members that there is not much information about these vitamins up to now. They are still under investigation, and some research workers are very busy at them. We have a research officer of the I. M. S. at Coonoor who is investigating the subject of deficiency diseases; he has elucidated a good number of points, and he is still working. Research workers are also at work to find out what the chemistry of vitamins is. So far, apparently we know of four vitamins—Vitamin A, which is contained in green leaves and vegetables, also in the yolk of eggs. A deficiency of this Vitamin A in the human dietary causes a greatly lowered state of general health which results in an abnormally high death-rate from acute infections, particularly of the lungs. Then there is Vitamin B which we get concentrated in the whole meal of cereals and the seed coverings. A deficiency of this for any considerable time such as results from the consumption of highly milled rice with all the coverings of the seed taken of, is followed in due course by paralysis of the limbs, and widespread inflammation of the nerves, known as acute neuritis. Much as we have learnt of the part vitamins play in nutrition, we have as yet but touched the fringe of knowledge regarding them. Probably the absence of Vitamin B has an intimate relation to gastro-intestinal health. Its deficiency, in association with other food faults accompanying it, is probably much concerned with the intestinal ill-health so common at the present day. Then I think my Honourable friend was talking about infants not getting ghee: well, I do not think infants are fed on ghee; they get or should get mother's milk. Vitamin C is the vitamin that is supposed to prevent scurvy. An important fact in this connection is that the milk of animals, cows and others, is very poor in this Vitamin C; and all children fed on cow's milk require to have their diet supplemented by raw green vegetables and such things as orange or lemon juice. Now the fact is that people who do not get good ghee get vegetable products containing essential vitamins instead; and if they have a proper dietary consisting of vegetables and other things in the proper proportion, and if the vegetable oil itself is pure, as I think the vegetable oils and products turned out and

sent from Europe are pure, there is no reason at all why they should not be consumed so long as the consumers know what they are consuming. It would be a great hardship, it seems to me, for the poor people, to put a hundred per cent. duty on to this quite suitable diet for human beings.

THE HONOURABLE SIR CHARLES INNES (Member for Commerce and Railways): Sir, I had not intended to speak when I came to the Council of State this morning; I had merely intended to listen to what was sure to be an interesting debate. But I have to ask permission just to say a few words. I shall take the Council back to the exact terms of this Resolution. The Resolution, as it is worded, puts an entirely impossible task on Government. As it is worded, it would mean that the Government would have to distinguish vegetable products imported for the purpose of being sold as artificial ghee or for adulterating pure ghee and vegetable products imported for the purpose of being sold as vegetable products. As the Resolution stands, I say without hesitation that it is entirely unworkable. But, Sir, I am not concerned with the exact wording of the Resolution. I wish to point out that the whole theory of the Resolution is wrong. It is misconceived. The theory of the Resolution is that these vegetable products are imported into India for the purpose of adulterating pure ghee in India. Now, the Honourable Mr. Chadwick has pointed out perfectly clearly that the real fact is that pure ghee in India is very rare. Ghee is greatly adulterated, and owing to the demand having exceeded the supply has increased very greatly in price, and it is those factors which have given rise to a perfectly legitimate demand for vegetable substitutes. If you stop the import of these vegetable substitutes, the economic result would be merely that you would increase the adulteration of ghee and you would increase the price. From our point of view, and I am now speaking merely from the tariff point of view, there can be no justification whatsoever for imposing a prohibitive duty on these vegetable produces.

The Maharaja of Burdwan has, I think, brought out what is the real issue in this debate. He has pointed out that Indians want to have pure ghee made in the ordinary way, and they do not want to have imposed upon them ghee mixed with vegetable oils or any other substance whatever. In the first place, Sir, I would point out here that the issue raised by the Maharaja of Burdwan is not raised by the Resolution, because I do not for a moment believe that these vegetable products are brought out to this country for the purpose of mixing them with Indian ghee. The person who wishes to adulterate ghee uses the much cheaper and much nastier materials available in India. These vegetable products are made in Holland and Germany. They are made from materials imported from the tropics. They may be palm kernels from the west coast of Africa or they may be kopra or ground-nuts or whatever it may be imported from the Far East. They go through very elaborate, very expensive and very technical processes and in themselves they are not cheap products. Therefore, I put it to the Council that it is most unlikely that people who adulterate ghee in India will adulterate it with these comparatively expensive products. As I said, the Maharaja of Burdwan has brought up what is the real issue in this debate, namely, whether anything can be done to ensure that pure ghee is sold in India. Now, the obvious point which I have to make is that this is a matter for Local Governments and not only that but for the transferred halves of Local Governments. The

[Sir Charles Innes.]

Maharaja said that an Act was passed in Bengal dealing with this subject. I should like to read the exact section of this Act which deals with ghee:

"In the case of ghee it shall contain only substances other than curds which are derived exclusively from the milk of cows or of buffaloes and shall fulfil such conditions as may be prescribed by the Local Government."

Now, the Local Governments in practically all the provinces have taken powers to deal with this evil. As I said, it is a transferred subject and it is not open to the Government of India to issue instructions to Local Governments and in any way try to get them to tighten their law on this subject. We must leave it to Ministers to deal with it in consultation with their local Councils. The matter is one which excites so much interest in India that I think we may rest assured that the importance of it will be brought from time to time to the notice of the Ministers by their Councils. In the meantime, we will undertake to forward a copy of this debate to all Local Governments in order that their attention may be drawn to the point brought out by my friend the Maharaja of Burdwan.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): Sir, I suggest to the Mover and to the Government Members that a *via media* could be found to frame the Resolution in such a manner that it may be accepted by the Government. For instance, we can say that pure ghee should be marked as such and adulterated ghee should be marked as adulterated. If this were done, I think it will not be difficult for the Police or for anybody to prosecute the man who was keeping the wrong stuff. As to the ghee itself, I think, I can safely say from my experience of the past two decades and a half—as I have been more or less a living history of it because there has not been a single expedition within this period that I did not attend and where I had the chances of meeting soldiers and seeing their rations—that in the expeditions of Somaliland and Tibet the ghee used to be very much better than what it was during the world-war. But whatever stuff it was mixed with, I do think that it was not very bad for the health of the troops because they did not suffer from its use. During the last Kabul War, however, the adulteration of ghee had proceeded to such an extent that it became uneatable even for rough peasants from whom you recruit your soldiers. I made a complaint to one of the Supply and Transport officers and he said that it was pure ghee. So, the next time when I went to Simla I also reported this matter and they said that this ghee should be sealed and sent to the Chemical Examiner. The result of this chemical examination proved that it was anything but ghee. I wrote my report on ghee and mentioned in it the various ways in which ghee was mixed with various things, one of them being that ghee was mixed with pure oil and potatoes and when you put it on the fire there was nothing left of it. There are various local methods of adulterating ghee. This we will have to admit. Sir, the oil that comes into this country comes from outside and my friend Rai Bahadur Lala Ram Saran Das and other Hindu friends really should insist that this oil should come from outside: if it did not, the adulteration in India might be with the fat of an animal which is religiously prohibited to Hindus or it may be with the fat of an animal which is religiously prohibited to Muhammadans. But if the ghee is mixed with oil, there is no fat in it. So, my suggestion is that we should not stop

the import of oil. My friend, the Mover, has already told the House that ghee is not to be found in such abundance that everybody can buy it pure. So, we would be practically stopping the ghee from remaining in its pure condition and if the imported stuff were taxed, we would be taxing the pockets of the poor, which is not advisable. All the same, though I am against the Resolution we, the Punjabis, are more or less partisans in some way and, if my friend Lala Ram Saran Das presses his Resolution to the vote, I shall vote with him. (Laughter.) But, as there is every chance of its defeat, I suggest that he should withdraw his Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, Mr. Chadwick has told this House that ghee is being mixed and adulterated for a long time. I said the same thing in my speech. I did not say that the adulteration of ghee began after the war so far as the ordinary stuffs were concerned and which were not hydrogenated and deodorised. What I meant to say was that it was after the war that these vegetable products began to be mixed freely with pure ghee. Mr. Chadwick, after all, admits that this adulteration has been going on for some time. I also know that, but as the articles mixed were not hydrogenated and deodorised they could be easily detected by the sense of smell or of taste. But, as the article now comes in such a condition that it has no odour or smell and as it has practically no taste, it is very difficult to detect it. Two wrongs do not make a right and I think it is the duty of the Government to stop this foul practice which they themselves admit has existed for a long time. Mr. Chadwick said that when margarine was first introduced into the British Kingdom, there was much opposition from the indigenous producers of butter.

In that connection, Sir, I may say that ever since margarine was introduced into England it has been sold as margarine but not as butter. (*An Honourable Member*: "No.") That is as far as my own information goes. I have not myself been to England and so I cannot give any opinion in this matter from my own personal knowledge. However, I am subject to correction in this respect. The Honourable Mr. Chadwick said that this artificial ghee is a useful stuff for food and is harmless. During the course of the discussion he looked at me asking whether this was not a fact. I said it is a fact. Nobody says that this vegetable ghee has got any poisons in it. What I say is this, that it is a stuff which most people are accustomed to mix freely with the pure ghee. The Honourable Sir Charles Innes doubts this statement of mine. With due deference to him I want to draw his attention to the fact that most of this vegetable product does go to the ghee-producing centres. In the Punjab, the United Provinces and in Central India you will find that the ghee-producing centres are the only places to which this vegetable ghee is consigned, and I have this knowledge as I come in contact with a great number of merchants in the Punjab and the United Provinces who know that the producers are mixing this vegetable compound very freely and the only reason for doing so is that which I have already stated, that it cannot be easily detected. The Honourable Major-General Sir Charles MacWatt says that in 1889 in the Lushai Expedition a supply of ghee was condemned by him as being adulterated. That takes us back to a long time and shows that, notwithstanding our various laws on the subject, we have not been able to stop this adulteration. Dr. MacWatt also said that this vegetable compound comes in because there is a legitimate demand for it. There is a great secret import of cocaine into India. Can we say that it has a legitimate demand? That demand is only

[Lala Ram Saran Das.]

confined to a few interested merchants whose profession is to mix this vegetable compound with pure ghee. So it cannot be said that there is a legitimate demand in its true sense. Dr. MacWatt has also said that infants in the Punjab do not take ghee but I might mention, Sir, that it is the infant's mother which is given more ghee after confinement than she is ordinarily given, so that it is for the sake of the infant that the mother gets more ghee and in case that ghee is not pure it will tell badly on the health of the child.

Dr. MacWatt also said that when this article is purchased by the consuming public they know that it is a vegetable compound and not ghee. With due deference I want to say that they do not know that and the ordinary poor consumer has to buy it as if it were pure ghee.

THE HONOURABLE MAJOR-GENERAL SIR CHARLES MACWATT: I was rather misconstrued. I said that the law laid down that if a man exposes or has for sale on his premises stuff that he sells as ghee, it has to be labelled as ghee and if you took a sample and had it analysed and find it is adulterated, the man is liable to punishment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I am glad that Dr. MacWatt has elucidated this point. I might mention that all the tins that contain ghee are not at all labelled. In fact they have no label at all and so people can be misled. He refers to 1919 when in the Punjab the adulteration of Food and Drugs Act was passed. I happened to be a colleague of the Doctor Saheb in the Punjab Council and I remember that the enactment of this Act was necessitated by the free amount of mixtures in the ghee which was against the habits of the people and which the people strongly resented. That was the reason why this Act was brought into force. I am sorry to say (and Dr. Rama Rau rightly intervened) that ever since that Act was passed there has not been a single prosecution. At times the municipalities have taken an interest in the matter but when they have found that the adulteration is taking place on a very large scale and that it involved wholesale prosecutions they have not launched any prosecutions because if they had done so the import of ghee into the towns would have suddenly stopped for some time.

The Honourable Sir Charles Innes said that as the imported ghee is comparatively expensive it cannot be adulterated. With due deference to the Commerce Member I may be allowed to say that the price of the imported artificial ghee ranges from Rs. 35 to Rs. 45 per maund as compared with the pure ghee which sells at from Rs. 63 to Rs. 70 per maund, which shows that adulteration can be made with advantage.

THE HONOURABLE SIR CHARLES INNES: But will the Honourable Member tell us the price of oils, such as castor oil, and the other common adulterants?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: As far as those oils are concerned, and Cocogem, I might say that the price of Cocogem and the price of these oils has been ruling high enough so that no encouragement has been given to those who adulterate ghee for committing this offence. And, Sir, why is that? I have already stated that it is because when articles of this kind, excepting Cocogem, are mixed, they give a particular odour to the ghee and they can be easily detected. Cocogem has maintained a high price and that is the reason why it has not been used for adulteration with pure ghee. In case the price of Cocogem

was on the same level as imported artificial ghee I think Cocogem would have also been found a favourite article for admixture. I am not advocating a protective duty for Cocogem. My object in moving this Resolution has been to draw the attention of the Government to the seriousness of the problem. The Honourable the Maharaja of Burdwan has suggested that more pure ghee ought to be produced. That is the right thing to do, but it will take time, and although various Provincial Governments in the past have been trying to increase the supply of ghee, the increase in supply has not met the demand. As the Honourable the Commerce Member has given an assurance to this House that due consideration will be given to this matter, and that the attention of Provincial Governments will be drawn to it by sending them a copy of to-day's debate I beg leave to withdraw this Resolution.

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

INDIAN REGISTRATION (AMENDMENT) BILL.

THE HONOURABLE MR. K. C. ROY (Bengal: Nominated Non-Official): Sir, I beg to move that the Bill further to amend the Indian Registration Act, 1908, as passed by the Legislative Assembly, be taken into consideration.

The House is aware, Sir, that Diwan Bahadur T. Rangachariar is the author of this Bill, and the object of the Bill, in his own words, is to enable the Local Governments to invest selected sub-Registrars with powers to hold an inquiry into matters of execution of a document when it is denied by the executor. Sir, the Bill was accepted on behalf of Government by Mr. Tonkinson and was passed by the Legislative Assembly on February, the 19th. I may state for the information of this House that the Bill has been accepted by the majority of Provincial Governments and also by the majority of local Administrations, and I commend it to the consideration of this House.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. K. C. ROY: Sir, before I ask you to put the final motion to the House, I may mention that I have seen certain observations about the suitability of the Sub-Registrars in the provinces. Sir, I knew many Sub-Registrars in my time in Bengal, and I have seen some in the Punjab, and I am quite convinced that if they are empowered to do the work under this Bill, they will do it well and to the credit of their service as well as to the credit of the Government and the country, and anything that is done to enhance the prestige and the power of Sub-Registrars will, I hope, meet with the consent of this House. I move that the Bill be passed.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Saturday, the 6th March, 1926.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.